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STATE OF NORTH CAROLINA

SESSION LAWS AND RESOLUTIONS

PASSED BY THE
1983 GENERAL ASSEMBLY
AT ITS

EXTRA SESSION 1984

BEGINNING ON
WEDNESDAY, THE SEVENTH DAY OF MARCH, A.D. 1984

AND AT ITS
REGULAR SESSION 1984

BEGINNING ON
THURSDAY, THE SEVENTH DAY OF JUNE, A.D. 1984

HELD IN THE CITY OF RALEIGH

ISSUED BY
SECRETARY OF STATE THAD EURE

PUBLISHED BY AUTHORITY

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STATE OF NORTH CAROLINA

PRESIDING OFFICERS OF THE 1983 GENERAL ASSEMBLY

JAMES C. GREEN	President of the Senate	Bladen
LISTON BRYAN RAMSEY	Speaker of the House of Representatives	Madison

EXECUTIVE BRANCH

(Offices established by the Constitution, filled by
election, and comprising the Council of State)

JAMES B. HUNT, JR.	Governor	Wilson
JAMES C. GREEN	Lieutenant Governor	Bladen
THAD EURE	Secretary of State	Hertford
EDWARD RENFROW	Auditor	Johnston
HARLAN E. BOYLES	Treasurer	Wake
A. CRAIG PHILLIPS	Superintendent of Public Instruction	Guilford
RUFUS L. EDMISTEN	Attorney General	Watauga
JAMES A. GRAHAM	Commissioner of Agriculture	Rowan
JOHN C. BROOKS	Commissioner of Labor	Wake
JOHN R. INGRAM	Commissioner of Insurance	Randolph

The political affiliation of each legislator and member of the Council of State listed on this and the following pages is Democratic unless designated Republican by the abbreviation (R).

G.S. 147-16.1 authorizes publication of Executive Orders of the Governor in the Session Laws of North Carolina. Executive Orders from Governor Hunt are carried in the Appendix to this volume.

1983 GENERAL ASSEMBLY

SENATE OFFICERS

<i>Name</i>	<i>Position</i>	<i>Address</i>
JAMES C. GREEN	President	Clarkton
W. CRAIG LAWING	President Pro Tempore	Charlotte
SYLVIA M. FINK	Principal Clerk	Raleigh
LERROY CLARK, JR.	Reading Clerk	Wendell
GERDA PLEASANTS	Sergeant-at-Arms	Cary

SENATORS

<i>District</i>	<i>Name</i>	<i>County</i>	<i>Address</i>
1	MELVIN R. DANIELS, JR.	Pasquotank	Elizabeth City
2	JOSEPH J. HARRINGTON	Bertie	Lewiston
3	JOSEPH E. THOMAS	Craven	Vanceboro
4	A. D. GUY	Onslow	Jacksonville
5	HAROLD W. HARDISON	Lenoir	Deep Run
6	JULIAN R. ALLSBROOK*	Halifax	Roanoke Rapids
7	JULIUS A. WRIGHT (R)	New Hanover	Wilmington
8	HENSON P. BARNES	Wayne	Goldsboro
9	VERNON E. WHITE	Pitt	Winterville
10	DALLAS L. ALFORD, JR.	Nash	Rocky Mount
11	JAMES D. SPEED	Franklin	Louisburg
12	ANTHONY E. RAND	Cumberland	Fayetteville
12	LURA S. TALLY	Cumberland	Fayetteville
13	KENNETH C. ROYALL, JR.	Durham	Durham
13	WILLIAM G. HANCOCK, JR.	Durham	Durham
14	JOSEPH E. JOHNSON	Wake	Raleigh
14	WILLIAM W. STATON	Lee	Sanford
14	WILMA C. WOODARD	Wake	Garner
15	ROBERT DAVIS WARREN	Johnston	Benson
16	WANDA HUNT	Moore	Pinehurst
16	RUSSELL G. WALKER	Randolph	Asheboro
17	ROBERT B. JORDAN, III	Montgomery	Mt. Gilead
17	AARON W. PLYLER	Union	Monroe
18	R. C. SOLES, JR.	Columbus	Tabor City
19	ELTON EDWARDS	Guilford	Greensboro
20	RICHARD W. BARNES	Forsyth	Winston-Salem
20	MARVIN WARD	Forsyth	Winston-Salem
21	CARY D. ALLRED (R)	Alamance	Burlington
22	CECIL R. JENKINS, JR.	Cabarrus	Kannapolis
22	KENNETH R. HARRIS (R)	Mecklenburg	Charlotte
22	W. CRAIG LAWING	Mecklenburg	Charlotte
22	BENJAMIN T. TISON	Mecklenburg	Charlotte
23	JACK CHILDERS	Davidson	Lexington
23	ROBERT M. DAVIS	Rowan	Salisbury
24	CONRAD R. DUNCAN, JR.	Rockingham	Stoneville
24	GEORGE W. MARION, JR.	Surry	Dobson
25	OLLIE HARRIS	Cleveland	Kings Mountain
25	HELEN R. MARVIN	Gaston	Gastonia
25	MARSHALL A. RAUCH	Gaston	Gastonia
26	T. CASS BALLENGER (R)	Catawba	Hickory
26	WILLIAM W. REDMAN, JR. (R)	Iredell	Statesville
27	JAMES H. EDWARDS	Caldwell	Hickory
27	DONALD R. KINCAID (R)	Caldwell	Lenoir
28	ROBERT S. SWAIN	Buncombe	Asheville
28	DENNIS WINNER	Buncombe	Asheville
29	CHARLES W. HIPPS	Haywood	Waynesville
29	R. P. THOMAS	Henderson	Hendersonville
30	DAVID R. PARNELL	Robeson	Parkton
31	WILLIAM N. MARTIN	Guilford	Greensboro
32	RACHEL G. GRAY	Guilford	High Point

* Phillip W. Taylor was appointed by Governor Hunt 6/7/84, to replace Julian R. Allsbrook, who died 5/15/84.

HOUSE OFFICERS

<i>Name</i>	<i>Position</i>	<i>Address</i>
LISTON BRYAN RAMSEY	Speaker	Marshall
ALLEN C. BARBEE	Speaker Pro Tempore	Spring Hope
GRACE A. COLLINS	Principal Clerk	Fuquay-Varina
SAM J. BURROW, JR.	Reading Clerk	Cary
LARRY P. EAGLES	Sergeant-at-Arms	Tarboro

REPRESENTATIVES

<i>District</i>	<i>Name</i>	<i>County</i>	<i>Address</i>
1	CHARLES D. EVANS	Dare	Nags Head
1	VERNON G. JAMES	Pasquotank	Elizabeth City
2	HOWARD B. CHAPIN	Beaufort	Washington
3	GERALD LEE ANDERSON	Craven	New Bern
3	CHRIS S. BARKER, JR.	Craven	New Bern
3	DANIEL T. LILLEY	Lenoir	Kinston
4	BRUCE ETHRIDGE	Onslow	Swansboro
4	G. MALCOLM FULCHER, JR.	Carteret	Atlantic Beach
4	J. PAUL TYNDALL	Onslow	Jacksonville
5	C. MELVIN CREECY	Northampton	Rich Square
6	JOHN BOND GILLAM, III	Bertie	Windsor
7	FRANK W. BALLANCE, JR.	Warren	Warrenton
8	ALLEN C. BARBEE	Nash	Spring Hope
8	JEANNE FENNER	Wilson	Wilson
8	TOM MATTHEWS	Nash	Rocky Mount
8	JOSEPHUS LYMAN MAVRETIC	Edgecombe	Tarboro
9	WALTER B. JONES, JR.	Pitt	Farmville
9	EDWARD N. WARREN	Pitt	Greenville
10	WENDELL H. MURPHY	Duplin	Rose Hill
11	MARTIN LANCASTER	Wayne	Goldsboro
11	CHARLES D. WOODARD	Wayne	Goldsboro
12	EDWARD C. BOWEN	Sampson	Harrells
12	MURRAY POOL	Sampson	Clinton
13	HARRY E. PAYNE, JR.	New Hanover	Wilmington
13	S. THOMAS RHODES (R)	New Hanover	Wilmington
14	TOM B. RABON, JR.*	Brunswick	Winnabow
15	RICHARD WRIGHT	Columbus	Tabor City
16	DANIEL H. DEVANE	Hoke	Raeford
16	JOHN CALVIN HASTY	Robeson	Maxton
16	SIDNEY A. LOCKS	Robeson	Lumberton
17	C. R. EDWARDS	Cumberland	Fayetteville
17	LUTHER R. JERALDS	Cumberland	Fayetteville
18	R. D. BEARD	Cumberland	Fayetteville
18	WILLIAM E. CLARK	Cumberland	Fayetteville
18	HENRY M. TYSON	Cumberland	Fayetteville
19	BOBBY R. ETHERIDGE	Harnett	Lillington
19	DENNIS A. WICKER	Lee	Sanford
20	GEORGE WYATT BRANNAN	Johnston	Smithfield
20	BARNEY PAUL WOODARD	Johnston	Princeton
21	ALLEN ADAMS	Wake	Raleigh
21	DANIEL T. BLUE, JR.	Wake	Raleigh
21	AARON E. FUSSELL	Wake	Raleigh
21	MARVIN D. MUSSELWHITE, JR.	Wake	Raleigh
21	J. RAY SPARROW	Wake	Cary
21	MARGARET P. STAMEY	Wake	Raleigh
22	JOHN T. CHURCH	Vance	Henderson
22	JAMES W. CRAWFORD, JR.	Granville	Oxford
22	WILLIAM T. WATKINS	Granville	Oxford
22	GEORGE W. MILLER, JR.	Durham	Durham
23	W. PAUL PULLEY, JR.	Durham	Durham
23	KENNETH B. SPAULDING	Durham	Durham
24	ANNE C. BARNES	Orange	Chapel Hill
24	JOE HACKNEY	Orange	Chapel Hill
25	BERTHA B. HOLT	Alamance	Burlington
25	JOHN M. JORDAN	Alamance	Saxapahaw

25	ROBERT L. MCALISTER	Rockingham	Ruffin
25	TIMOTHY H. McDOWELL	Alamance	Mebane
26	HERMAN C. GIST	Guilford	Greensboro
26	J. HOWARD COBLE (R)	Guilford	Greensboro
27	MARGARET P. KEESEE (R)	Guilford	Greensboro
27	MARY P. SEYMOUR	Guilford	Greensboro
28	DOROTHY R. BURNLEY (R)	Guilford	High Point
28	MARY JARRELL	Guilford	High Point
29	WILLIAM T. GRIMSLEY	Guilford	Summerfield
30	FRANK REDDING (R)**	Randolph	Asheboro
31	T. CLYDE AUMAN	Moore	West End
32	HUGH LEE	Richmond	Rockingham
33	FOYLE HIGHTOWER, JR.	Anson	Wadesboro
34	JOE R. HUDSON	Union	Waxhaw
34	DWIGHT W. QUINN	Cabarrus	Kannapolis
34	ROBERT L. SLAUGHTER	Stanly	Albemarle
34	BETTY DORTON THOMAS	Cabarrus	Concord
35	BRADFORD VERDIZE LIGON (R)	Rowan	Salisbury
35	ROBIE L. NASH	Rowan	Salisbury
36	PHILLIP O. BERRY	Mecklenburg	Charlotte
36	JAMES B. BLACK	Mecklenburg	Matthews
36	LOUISE S. BRENNAN	Mecklenburg	Charlotte
36	RUTH M. EASTERLING	Mecklenburg	Charlotte
36	GUS N. ECONOMOS	Mecklenburg	Charlotte
36	JO GRAHAM FOSTER	Mecklenburg	Charlotte
36	H. PARKS HELMS	Mecklenburg	Charlotte
36	LEROY P. SPOON, JR. (R)	Mecklenburg	Charlotte
37	BETSY COCHRANE (R)	Davie	Advance
37	J. E. LAMBETH	Davidson	Thomasville
37	JOHN W. VARNER	Davidson	Lexington
38	HAROLD J. BRUBAKER (R)	Randolph	Asheboro
39	R. J. CHILDRESS	Forsyth	Winston-Salem
39	C. B. HAUSER	Forsyth	Winston-Salem
39	ANNIE BROWN Kennedy	Forsyth	Winston-Salem
39	MARGARET TENNILLE	Forsyth	Winston-Salem
39	TOM C. WOMBLE	Forsyth	Clemmons
40	DAVID H. DIAMONT	Surry	Pilot Mountain
40	J. WORTH GENTRY	Stokes	King
40	MARGARET B. HAYDEN	Alleghany	Sparta
41	JOHN WALTER BROWN (R)	Wilkes	Elkin
41	GEORGE M. HOLMES (R)	Yadkin	Hamptonville
42	J. P. HUSKINS	Iredell	Statesville
43	C. ROBERT BRAWLEY (R)	Iredell	Mooreville
44	SAM L. BEAM	Gaston	Cherryville
44	DAVID W. BUMGARDNER, JR.	Gaston	Belmont
44	D. R. MAUNEY, JR.	Gaston	Cherryville
44	J. B. ROBERTS	Gaston	Gastonia
45	AUSTIN M. ALLRAN (R)	Catawba	Hickory
45	J. REID POOVEY (R)	Catawba	Hickory
46	JAMES F. HUGHES (R)	Avery	Linville
46	S. B. LACEY, JR. (R)	Avery	Newland
46	GEORGE S. ROBINSON (R)	Caldwell	Lenoir
47	RAY C. FLETCHER	Burke	Valdese
48	JOHN J. HUNT	Cleveland	Lattimore
48	EDITE L. LUTZ	Cleveland	Lawndale
48	CHARLES OWENS	Rutherford	Forest City
49	ROBERT CARL HUNTER	McDowell	Marion
50	CHARLES H. HUGHES (R)	Henderson	Hendersonville
51	MARIE W. COLTON	Buncombe	Asheville
51	NARVEL JIM CRAWFORD	Buncombe	Asheville
51	GORDON H. GREENWOOD	Buncombe	Black Mountain
51	MARTIN L. NESBITT, JR.	Buncombe	Asheville
52	CHARLES M. BEALL	Haywood	Clyde
52	LISTON B. RAMSEY	Madison	Marshall
53	JEFF H. ENLOE, JR.	Macon	Franklin

*E. David Redwine was appointed by Governor Hunt 12/13/83, to replace Tom B. Rabon, Jr., who resigned effective 11/14/83.

** William T. Boyd was appointed by Governor Hunt 1/16/84, to replace Frank Redding, who died 12/17/83.

LEGISLATIVE SERVICES COMMISSION

SENATE PRESIDENT PRO TEMPORE W. CRAIG LAWING, *Cochairman*HOUSE SPEAKER LISTON BRYAN RAMSEY, *Cochairman*

SEN. OLLIE HARRIS

REP. ALLEN C. BARBEE

SEN. DAVID R. PARNELL

REP. DANIEL T. BLUE

SEN. AARON W. PLYLER

REP. MARIE W. COLTON

SEN. KENNETH C. ROYALL, JR.

REP. CHARLES D. EVANS

SEN. JAMES D. SPEED

REP. FOYLE HIGHTOWER, JR.

SEN. WILMA C. WOODARD

REP. WILLIAM T. WATKINS

LEGISLATIVE SERVICES STAFF DIRECTORS

GEORGE R. HALL, JR. Legislative Administrative Officer

TERRENCE D. SULLIVAN Director of Research

THOMAS L. COVINGTON Director of Fiscal Research

GERRY F. COHEN Director of Legislative Drafting

J. MICHAEL MINSHEW Building Superintendent and Chief of Security

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

ARTICLE I DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare that:

Section 1. *The equality and rights of persons.* We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Sec. 2. *Sovereignty of the people.* All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 3. *Internal government of the State.* The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.

Sec. 4. *Secession prohibited.* This State shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.

Sec. 5. *Allegiance to the United States.* Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Sec. 6. *Separation of powers.* The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

Sec. 7. *Suspending laws.* All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised.

Sec. 8. *Representation and taxation.* The people of this State shall not be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in the General Assembly, freely given.

Sec. 9. *Frequent elections.* For redress of grievances and for amending and strengthening the laws, elections shall be often held.

Sec. 10. *Free elections.* All elections shall be free.

Sec. 11. *Property qualifications.* As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office.

Sec. 12. *Right of assembly and petition.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

Sec. 13. *Religious liberty.* All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience.

Sec. 14. *Freedom of speech and press.* Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

Sec. 15. *Education.* The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 16. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

Sec. 17. *Slavery and involuntary servitude.* Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.

Sec. 18. *Courts shall be open.* All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

Sec. 19. *Law of the land; equal protection of the laws.* No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Sec. 20. *General warrants.* General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted.

Sec. 21. *Inquiry into restraints on liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. *Modes of prosecution.* Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in non-capital cases.

Sec. 23. *Rights of accused.* In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24. *Right of jury trial in criminal cases.* No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 25. *Right of jury trial in civil cases.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

Sec. 26. *Jury service.* No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Sec. 27. *Bail, fines, and punishments.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 28. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 29. *Treason against the State.* Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 30. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and

governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.

Sec. 31. *Quartering of soldiers.* No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 32. *Exclusive emoluments.* No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Sec. 33. *Hereditary emoluments and honors.* No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 34. *Perpetuities and monopolies.* Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed.

Sec. 35. *Recurrence to fundamental principals.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 36. *Other rights of the people.* The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

ARTICLE II

LEGISLATIVE

Section 1. *Legislative power.* The legislative power of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives.

Sec. 2. *Number of Senators.* The Senate shall be composed of 50 Senators, biennially chosen by ballot.

Sec. 3. *Senate districts; apportionment of Senators.* The Senators shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements:

(1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the district that he represents by the number of Senators apportioned to that district;

(2) Each senate district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a senate district;

(4) When established, the senate districts and the apportionment of Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress.

Sec. 4. *Number of Representatives.* The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

Sec. 5. *Representative districts; apportionment of Representatives.* The Representatives shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the representative districts and the apportionment of Representatives among those districts, subject to the following requirements:

(1) Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Representative represents being determined for this purpose by dividing the population of the district that he represents by the number of Representatives apportioned to that district;

(2) Each representative district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a representative district;

(4) When established, the representative districts and the apportionment of Representatives shall remain unaltered until the return of another decennial census of population taken by order of Congress.

Sec. 6. *Qualifications for Senator.* Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a qualified voter of the State, and shall have resided in the State as a citizen for two years and in the district for which he is chosen for one year immediately preceding his election.

Sec. 7. *Qualifications for Representative.* Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election.

Sec. 8. *Elections.* The election for members of the General Assembly shall be held for the respective districts in 1972 and every two years thereafter, at the places and on the day prescribed by law.

Sec. 9. *Term of office.* The term of office of Senators and Representatives shall commence on the first day of January next after their election.

Sec. 10. *Vacancies.* Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

Sec. 11. *Sessions.*

(1) *Regular Sessions.* The General Assembly shall meet in regular session in 1973 and every two years thereafter on the day prescribed by law. Neither house shall proceed upon public business unless a majority of all of its members are actually present.

(2) *Extra sessions on legislative call.* The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives.

Sec. 12. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of

the United States and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Sec. 13. *President of the Senate.* The Lieutenant Governor shall be President of the Senate and shall preside over the Senate, but shall have no vote unless the Senate is equally divided.

Sec. 14. *Other officers of the Senate.*

(1) *President Pro Tempore - succession to presidency.* The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

(2) *President Pro Tempore - temporary succession.* During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate.

(3) *Other officers.* The Senate shall elect its other officers.

Sec. 15. *Officers of the House of Representatives.* The House of Representatives shall elect its Speaker and other officers.

Sec. 16. *Compensation and allowances.* The members and officers of the General Assembly shall receive for their services the compensation and allowances prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted.

Sec. 17. *Journals.* Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Sec. 18. *Protests.* Any member of either house may dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and have the reasons of his dissent entered on the journal.

Sec. 19. *Record votes.* Upon motion made in either house and seconded by one fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journal.

Sec. 20. *Powers of the General Assembly.* Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

Sec. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina enacts:".

Sec. 22. *Action on bills.* All bills and resolutions of a legislative nature shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

Sec. 23. *Revenue bills.* No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Sec. 24. *Limitations on local, private, and special legislation.*

(1) *Prohibited subjects.* The General Assembly shall not enact any local, private, or special act or resolution:

- (a) Relating to health, sanitation, and the abatement of nuisances;
- (b) Changing the names of cities, towns, and townships;
- (c) Authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys;
- (d) Relating to ferries or bridges;
- (e) Relating to non-navigable streams;
- (f) Relating to cemeteries;
- (g) Relating to the pay of jurors;
- (h) Erecting new townships, or changing township lines, or establishing or changing the lines of school districts;
- (i) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury;
- (j) Regulating labor, trade, mining, or manufacturing;
- (k) Extending the time for the levy or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability;
- (l) Giving effect to informal wills and deeds;
- (m) Granting a divorce or securing alimony in any individual case;
- (n) Altering the name of any person, or legitimating any person not born in lawful wedlock, or restoring to the rights of citizenship any person convicted of a felony.

(2) *Repeals.* Nor shall the General Assembly enact any such local, private, or special act by partial repeal of a general law; but the General Assembly may at any time repeal local, private, or special laws enacted by it.

(3) *Prohibited acts void.* Any local, private, or special act or resolution enacted in violation of the provisions of this Section shall be void.

(4) *General laws.* The General Assembly may enact general laws regulating the matters set out in this Section.

ARTICLE III

EXECUTIVE

Section 1. *Executive power.* The executive power of the State shall be vested in the Governor.

Sec. 2. *Governor and Lieutenant Governor: election, term, and qualifications.*

(1) *Election and term.* The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) *Qualifications.* No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two consecutive terms of the same office.

Sec. 3. *Succession to office of Governor.*

(1) *Succession as Governor.* The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

(2) *Succession as Acting Governor.* During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

(3) *Physical incapacity.* The Governor may, by a written statement filed with the Attorney General, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

(4) *Mental incapacity.* The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State, a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

(5) *Impeachment.* Removal of the Governor from office for any other cause shall be by impeachment.

Sec. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of Governor.

Sec. 5. *Duties of Governor.*

(1) *Residence.* The Governor shall reside at the seat of government of this State.

(2) *Information to General Assembly.* The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

(3) *Budget.* The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

The total expenditures of the State for the fiscal period covered by the budget shall not exceed the total of receipts during that fiscal period and the surplus remaining in the State Treasury at the beginning of the period. To insure that the State does not incur a deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures, after first making adequate provision for the prompt payment of the principal of and interest on bonds and notes of the State according to their terms, whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures. This section shall not be construed to impair the power of the State to issue its bonds and notes within the limitations imposed in Article V of this Constitution, nor to impair the obligation of bonds and notes of the State now outstanding or issued hereafter.

(4) *Execution of laws.* The Governor shall take care that the laws be faithfully executed.

(5) *Commander in Chief.* The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

(6) *Clemency.* The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprieves, commutations, and pardons shall not include paroles.

(7) *Extra sessions.* The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

(8) *Appointments.* The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

(9) *Information.* The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

(10) *Administrative reorganization.* The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the

allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly.

Sec. 6. Duties of the Lieutenant Governor. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall perform such additional duties as the General Assembly or the Governor may assign to him. He shall receive the compensation and allowances prescribed by law.

Sec. 7. Other elective officers.

(1) *Officers.* A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) *Duties.* Their respective duties shall be prescribed by law.

(3) *Vacancies.* If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

(4) *Interim officers.* Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

(5) *Acting officers.* During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

(6) *Determination of incapacity.* The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

Sec. 8. *Council of State.* The Council of State shall consist of the officers whose offices are established by this Article.

Sec. 9. *Compensation and allowances.* The officers whose offices are established by this Article shall at stated periods receive the compensation and allowances prescribed by law, which shall not be diminished during the time for which they have been chosen.

Sec. 10. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants or commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State of North Carolina," and signed by the Governor.

Sec. 11. *Administrative departments.* Not later than July 1, 1975, all administrative departments, agencies, and offices of the State and their respective functions, powers, and duties shall be allocated by law among and within not more than 25 principal administrative departments so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may, but need not, be allocated within a principal department.

ARTICLE IV

JUDICIAL

Section 1. *Judicial power.* The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a coordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

Sec. 2. *General Court of Justice.* The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

Sec. 3. *Judicial powers of administrative agencies.* The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

Sec. 4. *Court for the Trial of Impeachments.* The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

Sec. 5. *Appellate division.* The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals.

Sec. 6. *Supreme Court.*

(1) *Membership.* The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available may discharge those duties.

(2) *Sessions of the Supreme Court.* The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

Sec. 7. *Court of Appeals.* The structure, organization, and composition of the Court of Appeals shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe.

Sec. 8. *Retirement of Justices and Judges.* The General Assembly shall provide by general law for the retirement of Justices and Judges of the General Court of Justice, and may provide for the temporary recall of any retired Justice or Judge to serve on the court or courts of the division from which he was retired. The General Assembly shall also prescribe maximum age limits service as a Justice or Judge.

Sec. 9. *Superior Courts.*

(1) *Superior Court districts.* The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) *Open at all times; sessions for trial of cases.* The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) *Clerks.* A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

Sec. 10. *District Courts.* The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected.

For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office.

Sec. 11. *Assignment of Judges.* The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

Sec. 12. *Jurisdiction of the General Court of Justice.*

(1) *Supreme Court.* The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court may issue any remedial writs necessary to give it general supervision and control over the proceedings of the other courts. The Supreme Court also has jurisdiction to review, when authorized by law, direct appeals from a final order or decision of the North Carolina Utilities Commission.

(2) *Court of Appeals.* The Court of Appeals shall have such appellate jurisdiction as the General Assembly may prescribe.

(3) *Superior Court.* Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall prescribe by general law uniformly applicable in every county of the State.

(4) *District Courts; Magistrates.* The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

(5) *Waiver.* The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

(6) *Appeals.* The General Assembly shall by general law provide a proper system of appeals. Appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

Sec. 13. *Forms of action; rules of procedure.*

(1) *Forms of Action.* There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried

before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment thereof, shall be termed a criminal action.

(2) *Rules of procedure.* The Supreme Court shall have exclusive authority to make rules of procedure and practice for the Appellate Division. The General Assembly may make rules of procedure and practice for the Superior Court and District Court Divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court Divisions.

Sec. 14 *Waiver of jury trial.* In all issues of fact joined in any court, the parties in any civil case may waive the right to have the issues determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Sec. 15. *Administration.* The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

Sec. 16. *Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court.* Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe.

Sec. 17. *Removal of Judges, Magistrates and Clerks.*

(1) *Removal of Judges by the General Assembly.* Any Justice or Judge of the General Court of Justice may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all the members of each house of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least 20 days before the day on which either house of the General Assembly shall act thereon. Removal from office by the General Assembly for any other cause shall be by impeachment.

(2) *Additional method of removal of Judges.* The General Assembly shall prescribe a procedure, in addition to impeachment and address set forth in this Section, for the removal of a Justice or Judge of the General Court of Justice for mental or physical incapacity interfering with the performance of his duties which is, or is likely to become, permanent, and for the censure and removal of a Justice or Judge of the General Court of Justice for wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(3) *Removal of Magistrates.* The General Assembly shall provide by general law for the removal of Magistrates for misconduct or mental or physical incapacity.

(4) *Removal of Clerks.* Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

Sec. 18. *District Attorney and Prosecutorial Districts.*

(1) *District Attorneys.* The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. The District Attorney shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

(2) *Prosecution in District Court Division.* Criminal actions in the District Court Division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

Sec. 19. *Vacancies.* Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 30 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified.

Sec. 20. *Revenues and expenses of the judicial department.* The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

Sec. 21. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article, but the salaries of Judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

Sec. 22. *Qualification of Justices and Judges.* Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, or Judge of District Court. This section shall not apply to persons elected to or serving in such capacities on or before January 1, 1981.

ARTICLE V

FINANCE

Section 1. *No capitation tax to be levied.* No poll or capitation tax shall be levied by the General Assembly or by any county, city or town, or other taxing unit.

Sec. 2. *State and local taxation.*

(1) *Power of taxation.* The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

(2) *Classification.* Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis and shall not be delegated. No class of property shall be taxed except by uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other unit of local government.

(3) *Exemptions.* Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding \$300, any personal property. The General Assembly may exempt from taxation not exceeding \$1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other unit of local government. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

(4) *Special tax areas.* Subject to the limitations imposed by Section 4, the General Assembly may enact general laws authorizing the governing body of any county, city or town to define territorial areas and to levy taxes within those areas, in addition to those levied throughout the county, city, or town, in order to finance, provide, or maintain services, facilities, and functions in addition to or to a greater extent than those financed, provided, or maintained for the entire county, city, or town.

(5) *Purposes of property tax.* The General Assembly shall not authorize any county, city or town, special district, or other unit of local government to levy taxes on property, except for purposes authorized by general law uniformly applicable throughout the State, unless the tax is approved by a majority of the qualified voters of the unit who vote thereon.

(6) *Income tax.* The rate of tax on incomes shall not in any case exceed ten per cent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed.

(7) *Contracts.* The General Assembly may enact laws whereby the State, any county, city or town, and any other public corporation may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes only.

money to any person, association, or corporation for the accomplishment of public purposes only.

Sec. 3. Limitations upon the increase of State debt.

(1) *Authorized purposes; two-thirds limitation.* The General Assembly shall have no power to contract debts secured by a pledge of the faith and credit of the State, unless approved by a majority of the qualified voters of the State who vote thereon, except for the following purposes:

- (a) To fund or refund a valid existing debt;
- (b) to supply an unforeseen deficiency in the revenue;
- (c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;
- (d) to suppress riots or insurrections, or to repel invasions;
- (e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;
- (f) for any other lawful purpose, to the extent of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium.

(2) *Gift or loan of credit regulated.* The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State, and is approved by a majority of the qualified voters who vote thereon.

(3) *Definitions.* A debt is incurred within the meaning of this Section when the State borrows money. A pledge of the faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when the State exchanges its obligations with or in any way guarantees the debts of an individual, association or private corporation.

(4) *Certain debts barred.* The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868-69 and 1869-70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

(5) *Outstanding debt.* Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

Sec. 4. Limitations upon the increase of local government debt.

(1) *Regulation of borrowing and debt.* The General Assembly shall enact general laws relating to the borrowing of money secured by a pledge of the faith and credit and the contracting of other debts by counties, cities and towns, special districts, and other units, authorities, and agencies of local government.

(2) *Authorized purposes; two-thirds limitation.* The General Assembly shall have no power to authorize any county, city or town, special district, or other unit of local government to contract debts secured by a pledge of its faith and credit unless approved by a majority of the qualified voters of the unit who vote thereon, except for the following purposes:

- (a) to fund or refund a valid existing debt;
- (b) to supply an unforeseen deficiency in the revenue;
- (c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;
- (d) to suppress riots or insurrections;
- (e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;
- (f) for purposes authorized by general laws uniformly applicable throughout the State, to the extent of two-thirds of the amount by which the unit's outstanding indebtedness shall have been reduced during the next preceding fiscal year.

(3) *Gift or loan of credit regulated.* No county, city or town, special district, or other unit of local government shall give or lend its credit in aid of any person, association, or corporation, except for public purposes as authorized by general law, and unless approved by a majority of the qualified voters of the unit who vote thereon.

(4) *Certain debts barred.* No county, city or town, or other unit of local government shall assume or pay any debt or the interest thereon contracted directly or indirectly in aid or support of rebellion or insurrection against the United States.

(5) *Definitions.* A debt is incurred within the meaning of this Section when a county, city or town, special district, or other unit, authority, or agency of local government borrows money. A pledge of faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when a county, city or town, special district, or other unit, authority, or agency of local government exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

(6) *Outstanding debt.* Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

Sec. 5. *Acts levying taxes to state objects.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Sec. 6. *Inviolability of sinking funds and retirement funds.*

(1) *Sinking funds.* The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created, except that these funds may be invested as authorized by law.

(2) *Retirement funds.* Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.

Sec. 7. Drawing public money.

(1) *State treasury.* No money shall be drawn from the State Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be published annually.

(2) *Local treasury.* No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law.

Sec. 8. Health care facilities. Notwithstanding any other provisions of this Constitution, the General Assembly may enact general laws to authorize the State, counties, cities or towns, and other State and local governmental entities to issue revenue bonds to finance or refinance for any such governmental entity or any nonprofit private corporation, regardless of any church or religious relationship, the cost of acquiring, constructing, and financing health care facility projects to be operated to serve and benefit the public; provided, no cost incurred earlier than two years prior to the effective date of this section shall be refinanced. Such bonds shall be payable from the revenues, gross or net, of any such projects and any other health care facilities of any such governmental entity or nonprofit private corporation pledged therefor; shall not be secured by a pledge of the full faith and credit, or deemed to create an indebtedness requiring voter approval of any governmental entity; and may be secured by an agreement which may provide for the conveyance of title of, with or without consideration, any such project or facilities to the governmental entity or nonprofit private corporation. The power of eminent domain shall not be used pursuant hereto for nonprofit private corporations.

Sec. 9. Capital projects for industry. Notwithstanding any other provision of this Constitution, the General Assembly may enact general laws to authorize counties to create authorities to issue revenue bonds to finance, but not to refinance, the cost of capital projects consisting of industrial, manufacturing and pollution control facilities for industry and pollution control facilities for public utilities, and to refund such bonds.

In no event shall such revenue bonds be secured by or payable from any public moneys whatsoever, but such revenue bonds shall be secured by and payable only from revenues or property derived from private parties. All such capital projects and all transactions therefor shall be subject to taxation to the extent such projects and transactions would be subject to taxation if no public body were involved therewith; provided, however, that the General Assembly may provide that the interest on such revenue bonds shall be exempt from income taxes within the State.

The power of eminent domain shall not be exercised to provide any property for any such capital project.

Sec. 10. *Joint ownership of generation and transmission facilities.* In addition to other powers conferred upon them by law, municipalities owning or operating facilities for the generation, transmission or distribution of electric power and energy and joint agencies formed by such municipalities for the purpose of owning or operating facilities for the generation and transmission of electric power and energy (each, respectively, "a unit of municipal government") may jointly or severally own, operate and maintain works, plants and facilities, within or without the State, for the generation and transmission of electric power and energy, or both, with any person, firm, association or corporation, public or private, engaged in the generation, transmission or distribution of electric power and energy for resale (each, respectively, "a co-owner") within this State or any state contiguous to this State, and may enter into and carry out agreements with respect to such jointly owned facilities. For the purpose of financing its share of the cost of any such jointly owned electric generation or transmission facilities, a unit of municipal government may issue its revenue bonds in the manner prescribed by the General Assembly, payable as to both principal and interest solely from and secured by a lien and charge on all or any part of the revenue derived, or to be derived, by such unit of municipal government from the ownership and operation of its electric facilities; provided, however, that no unit of municipal government shall be liable, either jointly or severally, for any acts, omissions or obligations of any co-owner, nor shall any money or property of any unit of municipal government be credited or otherwise applied to the account of any co-owner or be charged with any debt, lien or mortgage as a result of any debt or obligation of any co-owner.

Sec. 11. *Capital projects for agriculture.* Notwithstanding any other provision of the Constitution the General Assembly may enact general laws to authorize the creation of an agency to issue revenue bonds to finance the cost of capital projects consisting of agricultural facilities, and to refund such bonds.

In no event shall such revenue bonds be secured by or payable from any public moneys whatsoever, but such revenue bonds shall be secured by and payable only from revenues or property derived from private parties. All such capital projects and all transactions therefor shall be subject to taxation to the extent such projects and transactions would be subject to taxation if no public body were involved therewith; provided, however, that the General Assembly may provide that the interest on such revenue bonds shall be exempt from income taxes within the State.

The power of eminent domain shall not be exercised to provide any property for any such capital project.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

Section 1. *Who may vote.* Every person born in the United States and every person who has been naturalized, 18 years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

Sec. 2. *Qualifications of voter.*

(1) *Residence period for State elections.* Any person who has resided in the State of

North Carolina for one year and in the precinct, ward, or other election district for 30 days next preceding an election, and possesses the other qualifications set out in this Article, shall be entitled to vote at any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which that person has removed until 30 days after the removal.

(2) *Residence period for presidential elections.* The General Assembly may reduce the time of residence for persons voting in presidential elections. A person made eligible by reason of a reduction in time of residence shall possess the other qualifications set out in this Article, shall only be entitled to vote for President and Vice President of the United States or for electors for President and Vice President, and shall not thereby become eligible to hold office in this State.

(3) *Disqualification of felon.* No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

Sec. 3. *Registration.* Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

Sec. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.

Sec. 5. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce. A contested election for any office established by Article III of this Constitution shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law.

Sec. 6. *Eligibility to elective office.* Every qualified voter in North Carolina who is 21 years of age, except as in this Constitution disqualified, shall be eligible for election by the people to office.

Sec. 7. *Oath.* Before entering upon the duties of an office, a person elected or appointed to the office shall take and subscribe the following oath:

"I, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as so help me God."

Sec. 8. *Disqualifications for office.* The following persons shall be disqualified for office:

First, any person who shall deny the being of Almighty God.

Second, with respect to any office that is filled by election by the people, any person who is not qualified to vote in an election for that office.

Third, any person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who had been adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State,

or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law.

Sec. 9. Dual office holding.

(1) *Prohibitions.* It is salutary that the responsibilities of self-government be widely shared among the citizens of the State and that the potential abuse of authority inherent in the holding of multiple offices by an individual be avoided. Therefore, no person who holds any office or place of trust or profit under the United States or any department thereof, or under any other state or government, shall be eligible to hold any office in this State that is filled by election by the people. No person shall hold concurrently any two offices in this State that are filled by election of the people. No person shall hold concurrently any two or more appointive offices or places of trust or profit, or any combination of elective and appointive offices or places of trust or profit, except as the General Assembly shall provide by general law.

(2) *Exceptions.* The provisions of this Section shall not prohibit any officer of the military forces of the State or of the United States not on active duty for an extensive period of time, any notary public, or any delegate to a Convention of the People from holding concurrently another office or place of trust or profit under this State or the United States or any department thereof.

Sec. 10. Continuation in office. In the absence of any contrary provision, all officers in this State, whether appointed or elected, shall hold their positions until other appointments are made or, if the offices are elective, until their successors are chosen and qualified.

ARTICLE VII

LOCAL GOVERNMENT

Section 1. *General Assembly to provide for local government.* The General Assembly shall provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.

The General Assembly shall not incorporate as a city or town, nor shall it authorize to be incorporated as a city or town, any territory lying within one mile of the corporate limits of any other city or town having a population of 5,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within three miles of the corporate limits of any other city or town having a population of 10,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within four miles of the corporate limits of any other city or town having a population of 25,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within five miles of the corporate limits of any other city or town having a population of 50,000 or more according to the most recent decennial census of population taken by order of Congress. Notwithstanding the foregoing limitations, the General Assembly may incorporate a city or town by an act adopted by vote of three-fifths of all the members of each house.

Sec. 2. *Sheriffs.* In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the General Assembly are elected and shall hold his office for a period of four years, subject to removal for cause as provided by law.

Sec. 3. *Merged or consolidated counties.* Any unit of local government formed by the merger or consolidation of a county or counties and the cities and towns therein shall be deemed both a county and a city for the purposes of this Constitution, and may exercise any authority conferred by law on counties, or on cities and towns, or both, as the General Assembly may provide.

ARTICLE VIII

CORPORATIONS

Section 1. *Corporate charters.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering, organization, and powers of all corporations, and for the amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general acts may be altered from time to time or repealed. The General Assembly may at any time by special act repeal the charter of any corporation.

Sec. 2. *Corporations defined.* The term "corporation" as used in this Section shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

ARTICLE IX

EDUCATION

Section 1. *Education encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

Sec. 2. *Uniform system of schools.*

(1) *General and uniform system; term.* The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

(2) *Local responsibility.* The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.

Sec. 3. *School attendance.* The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

Sec. 4. *State Board of Education.*

(1) *Board.* The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) *Superintendent of Public Instruction.* The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

Sec. 5. *Powers and duties of Board.* The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

Sec. 6. *State school fund.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.

Sec. 7. *County school fund.* All moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.

Sec. 8. *Higher education.* The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly shall provide for the selection of trustees of The University of North Carolina and of the other institutions of higher education, in whom shall be vested all the privileges, rights, franchises, and endowments heretofore granted to or conferred upon the trustees of these institutions. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and the other public institutions of higher education.

Sec. 9. *Benefits of public institutions of higher education.* The General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense.

Sec. 10. *Escheats.*

(1) *Escheats prior to July 1, 1971.* All property that prior to July 1, 1971, accrued to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be appropriated to the use of The University of North Carolina.

(2) *Escheats after June 30, 1971.* All property that, after June 30, 1971, shall accrue to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be used to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The method, amount, and type of distribution shall be prescribed by law.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

Section 1. *Personal property exemptions.* The personal property of any resident of this State, to a value fixed by the General Assembly but not less than \$500, to be selected by the resident, is exempted from sale under execution or other final process of any court, issued for the collection of any debt.

Sec. 2. *Homestead exemptions.*

(1) *Exemption from sale; exceptions.* Every homestead and the dwellings and buildings used therewith, to a value fixed by the General Assembly but not less than \$1,000, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or town with the dwellings and buildings used thereon, and to the same value, owned and occupied by a resident of the State, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for its purchase.

(2) *Exemption for benefit of children.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of the owner's children, or any of them.

(3) *Exemption for benefit of surviving spouse.* If the owner of a homestead dies, leaving a surviving spouse but no minor children, the homestead shall be exempt from the debts of the owner, and the rents and profits thereof shall inure to the benefit of the surviving spouse until he or she remarries, unless the surviving spouse is the owner of a separate homestead.

(4) *Conveyance of homestead.* Nothing contained in this Article shall operate to prevent the owner of a homestead from disposing of it by deed, but no deed made by a married owner of a homestead shall be valid without the signature and acknowledgement of his or her spouse.

Sec. 3. *Mechanics' and laborers' liens.* The General Assembly shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming the exemption or a mechanic's lien for work done on the premises.

Sec. 4. *Property of married women secured to them.* The real and personal property of

any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised and bequeathed and conveyed by her, subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

Sec. 5. *Insurance.* A person may insure his or her own life for the sole use and benefit of his or her spouse or children or both, and upon his or her death the proceeds from the insurance shall be paid to or for the benefit of the spouse or children or both, or to a guardian, free from all claims of the representatives or creditors of the insured or his or her estate. Any insurance policy which insures the life of a person for the sole use and benefit of that person's spouse or children or both shall not be subject to the claims of creditors of the insured during his or her lifetime, whether or not the policy reserves to the insured during his or her lifetime any or all rights provided for by the policy and whether or not the policy proceeds are payable to the estate of the insured in the event the beneficiary or beneficiaries predecease the insured.

ARTICLE XI

PUNISHMENTS, CORRECTIONS, AND CHARITIES

Section 1. *Punishments.* The following punishments only shall be known to the laws of this State: death, imprisonment, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

Sec. 2. *Death punishment.* The object of punishments being not only to satisfy justice, but also to reform the offender and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Sec. 3. *Charitable and correctional institutions and agencies.* Such charitable, benevolent, penal, and correctional institutions and agencies as the needs of humanity and the public good may require shall be established and operated by the State under such organization and in such manner as the General Assembly may prescribe.

Sec. 4. *Welfare policy; board of public welfare.* Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state. Therefore the General Assembly shall provide for and define the duties of a board of public welfare.

ARTICLE XII

MILITARY FORCES

Section 1. *Governor is Commander in Chief.* The Governor shall be Commander in Chief of the military forces of the State and may call out those forces to execute the law, suppress riots and insurrections, and repel invasion.

ARTICLE XIII

CONVENTIONS; CONSTITUTIONAL AMENDMENT AND REVISION

Section 1. *Convention of the People.* No Convention of the People of this State shall ever be called unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and unless the proposition "Convention or No Convention" is first submitted to the qualified voters of the State at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast upon the proposition are in favor of a Convention, it shall assemble on the day prescribed by the General Assembly. The General Assembly shall, in the act of submitting the convention proposition, propose limitations upon the authority of the Convention; and if a majority of the votes cast upon the proposition are in favor of a Convention, those limitations shall become binding upon the Convention. Delegates to the Convention shall be elected by the qualified voters at the time and in the manner prescribed in the act of submission. The Convention shall consist of a number of delegates equal to the membership of the House of Representatives of the General Assembly that submits the convention proposition and the delegates shall be apportioned as is the House of Representatives. A Convention shall adopt no ordinance not necessary to the purpose for which the Convention has been called.

Sec. 2. *Power to revise or amend Constitution reserved to people.* The people of this State reserve the power to amend this Constitution and to adopt a new or revised Constitution. This power may be exercised by either of the methods set out hereinafter in this Article, but in no other way.

Sec. 3. *Revision or amendment by Convention of the People.* A Convention of the People of this State may be called pursuant to Section 1 of this Article to propose a new or revised Constitution or to propose amendments to this Constitution. Every new or revised Constitution and every constitutional amendment adopted by a Convention shall be submitted to the qualified voters of the State at the time and in the manner prescribed by the Convention. If a majority of the votes cast thereon are in favor of ratification of the new or revised Constitution or the constitutional amendment or amendments, it or they shall become effective January first next after ratification by the qualified voters unless a different effective date is prescribed by the Convention.

Sec. 4. *Revision or amendment by legislative initiation.* A proposal of a new or revised Constitution or an amendment or amendments to this Constitution may be initiated by the General Assembly, but only if three-fifths of all the members of each house shall adopt an act submitting the proposal to the qualified voters of the State for their ratification or rejection. The proposal shall be submitted at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast thereon are in favor of the proposed new or revised Constitution or constitutional amendment or amendments, it or they shall become effective January first next after ratification by the voters unless a different effective date is prescribed in the act submitting the proposal or proposals to the qualified voters.

ARTICLE XIV

MISCELLANEOUS

Section 1. *Seat of government.* The permanent seat of government of this State shall be at the City of Raleigh.

Sec. 2. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

Sec. 3. *General laws defined.* Whenever the General Assembly is directed or authorized by this Constitution to enact general laws, or general laws uniformly applicable throughout the State, or general laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to such subject matter shall also be general and uniform in its effect throughout the State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable throughout the State shall be made applicable without classification or exception in every unit of local government of like kind, such as every county, or every city and town, but need not be made applicable in every unit of local government in the State. General laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, shall be made applicable without classification or exception in every unit of local government, or in every local court district, as the case may be. The General Assembly may at any time repeal any special, local, or private act.

Sec. 4. *Continuity of laws; protection of office holders.* The laws of North Carolina not in conflict with this Constitution shall continue in force until lawfully altered. Except as otherwise specifically provided, the adoption of this Constitution shall not have the effect of vacating any office or term of office now filled or held by virtue of any election or appointment made under the prior Constitution of North Carolina and the laws of the State enacted pursuant thereto.

Sec. 5. *Conservation of natural resources.* It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions to acquire and preserve park, recreational, and scenic areas, to control and limit the pollution of our air and water, to control excessive noise, and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands, and places of beauty.

To accomplish the aforementioned public purposes, the State and its counties, cities and towns, and other units of local government may acquire by purchase or gift properties or interests in properties which shall, upon their special dedication to and acceptance by resolution adopted by a vote of three-fifths of the members of each house of the General Assembly for those public purposes, constitute part of the "State Nature and Historic Preserve", and which shall not be used for other purposes except as authorized by law enacted by a vote of three-fifths of the members of each house of the General Assembly. The General Assembly shall prescribe by general law the conditions and procedures under which such properties or interests therein shall be dedicated for the aforementioned public purposes.

Extra Session 1984

H. B. 2

CHAPTER 1

AN ACT TO REAPPORTION DISTRICT EIGHT OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-2(a), as found in the 1983 Supplement, is amended by rewriting District 8 to read:

“District 8 shall elect three Representatives and shall consist of the remainders of Edgecombe, Nash, and Wilson Counties that are not included in District 70.”

Sec. 2. G.S. 120-2(a), as found in the 1983 Supplement, is further amended by adding the following:

“District 70 shall elect one Representative and shall consist of the following:

(1) In Edgecombe County: Enumeration District 1154 of Census Tract 207 in Township 6 (Upper Fishing Creek); Census Tract 205 in Township 7 (Swift Creek); Enumeration Districts 1155, 1156, 1160, 1161, and 1162 of Census Tract 206 in Township 7 (Swift Creek); Census Blocks 101 through 106 and 121 through 128 in Census Tract 201 in the City of Rocky Mount in Township 12 (Rocky Mount); Census Blocks 112 through 139, Census Blocks 202 and 205 through 226, Census Block Group 3, and Census Block Group 4 of Census Tract 202 in the City of Rocky Mount in Township 12 (Rocky Mount); Census Block Group 1, Census Blocks 201 through 210 and 216 through 228, Census Blocks 301 through 318, 334, and 335, and Census Block Group 4 of Census Tract 204 in the City of Rocky Mount in Township 12 (Rocky Mount); Census Tracts 202, 203, 204, and 214 in Township 12 (Rocky Mount); Enumeration Districts 1191 and 1193 of Census Tract 213 in Township 12 (Rocky Mount); and Enumeration Districts 1223 and 1224 of Census Tract 202 and Enumeration Districts 1226A and 1226B of Census Tract 214 in Township 14 (Upper Town Creek).

(2) In Nash County: Census Tract 107 in North Whitakers Township; Census Block Groups 1, 2, and 3 and Census Blocks 403, 429, and 430 of Census Tract 102 in the City of Rocky Mount in Rocky Mount Township; and Census Tracts 106 and 107 in South Whitakers Township.

(3) In Wilson County: Enumeration District 743 of Census Tract 7 in Gardner Township; Enumeration Districts 700, 701, 702, 703A, and 703B of Census Tract 13 in Toisnot Township; Census Tract 2, Enumeration District 736A and Census Blocks 422, 423, and 424 of Census Tract 4, and Census Tracts 7, 8.01, and 8.02 in Wilson Township.”

Sec. 2.1. In the event that the U. S. Supreme Court reverses the opinion of the U. S. District Court which held the composition of House District 8 to violate the Voting Rights Act, then Sections 1 and 2 of this act are repealed and the prior law as to House District 8 is revived as to any future election.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.

H. B. 3

CHAPTER 2

AN ACT TO PROVIDE FOR PRIMARY ELECTIONS IN DISTRICTS REAPPORTIONED BY THE 1984 EXTRA SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the primary election schedule, for 1984 only, for districts of the North Carolina House of Representatives or North Carolina Senate reapportioned by the 1984 Extra Session of the General Assembly shall be postponed and conducted in accordance with the schedule as hereinafter provided.

Sec. 2. The primary elections in 1984 for offices reapportioned by the 1984 Extra Session of the General Assembly shall be ordered by the State Board of Elections in accordance with the following schedule and shall be conducted on one of the alternative dates set forth herein, as computed in Section 3:

Schedule Number	First Primary	Second Primary	Filing Date
1	June 5	July 17	April 23-30
2	July 17	August 14	May 18-25

Sec. 3. Schedule 1 above shall be used if approval from a court of competent jurisdiction (and if also necessary, clearance by the United States Department of Justice or the United States District Court for the District of Columbia) has been received for a district by 5:00 p.m. on April 20, 1984. Schedule 2 shall be used if such approval has not been received by that time but has been received by 5:00 p.m. on May 17, 1984.

For the purposes of this section, approval of a district means approval of all the new districts reapportioned from an old district. For instance, if Senate District 22 is reapportioned into Senate Districts 22, 33, 34, and 35, approval of all four districts is required; provided that for the purposes of this section, in an act reapportioning Senate District 2 and other districts, it means approval of all districts covered by that act.

Sec. 4. Filing shall open and close at 12:00 noon on the dates indicated in Section 2 of this act.

Sec. 5. If approval has not been received by 5:00 p.m. on May 17, 1984, then the primary election dates for the offices involved shall be set by the 1983 Regular Session of the General Assembly when next it reconvenes.

Sec. 6. All candidate filing during the regular filing period January 2, 1984, through February 6, 1984, for any district of the North Carolina House of Representatives or the North Carolina Senate reapportioned by the 1984 Extra Session of the General Assembly is hereby voided, and the filing fee for any candidate whose filing is voided by this section shall, upon application, be refunded or, if the candidate chooses to file for a district reapportioned by the 1984 Extra Session, be credited by the county board of elections toward such new filing.

Sec. 7. The State Board of Elections shall prepare and distribute to the county boards of elections a Revised Primary Election Timetable - 1984, setting out the applicable filing period for candidates along with all other pertinent dates relative to the primary election timetable for primary elections rescheduled by this act.

Sec. 8. The State Board of Elections is hereby authorized, consistent with provisions in G. S. 163-188, to set the dates on which it shall conduct the canvass and issue its certification of the results of the 1984 primary elections rescheduled by this act.

Sec. 9. For the 1984 primary election only, G.S. 163-112 shall be applied by substituting "10 days" for "30 days" wherever it appears, insofar as the offices of North Carolina Senate or North Carolina House of Representatives for districts reapportioned by the 1984 Extra Session of the General Assembly are concerned.

Sec. 10. The State Board of Elections shall adopt regulations to implement this act. Adoption of such regulations is not subject to Chapter 150A of the General Statutes except as to filing, publication, and judicial review of the rules. In lieu of the notice requirements of G.S. 163-33(8), the State Board of Elections shall prescribe an abbreviated notice procedure of the primary. The State Board of Elections may modify the filing dates set by Section 2 of this act if necessary to meet objections of the court or United States Department of Justice, and may likewise modify the deadline for filing a petition in lieu of fee under G.S. 163-107.1.

Sec. 11. Absentee voting shall be allowed for any primaries scheduled by this act, but the State Board of Elections is authorized to modify the beginning period for absentee voting to allow for the abbreviated election timetable and to coordinate absentee voting for the 1984 second primary for other offices on June 5 with absentee voting for legislative primaries on June 5.

Sec. 12. Whenever in any apportionment plan for the North Carolina Senate or North Carolina House of Representatives, a precinct is placed in two or more districts, and there is a primary, then the county board of elections, with the approval of the State Board of Elections may, for the 1984 primary election:

- (1) Divide the precinct into two or more precincts.
- (2) Change precinct lines to place part or parts of the precinct with a precinct which has the same election district.
- (3) Keep the same precinct but ascertain either in advance or on the date of the primary which district the voter resides in, and if a primary is being held in that district, give the voter the ballots for the appropriate district. This may be accomplished by a paper ballot for the office even if a machine is used for other offices or other voters.
- (4) Provide some other procedure to ensure that each voter does not cast ballots in more than one district.

In adopting a procedure under this section, the Board shall attempt to use the method which is least disruptive to the voter, and any action to change precinct lines shall be taken in accordance with G.S. 163-28 except that notice shall be given not less than 20 days prior to the primary election instead of 20 days prior to the close of registration.

Sec. 13. In any county where General Assembly districts were reapportioned by the 1984 Extra Session of the General Assembly and where in accordance with the provisions of any local or general law a primary or election for a board of education or other office is to be held at the same time as the primary for members of the General Assembly, it shall in 1984 instead be held on the same date as the primary for Governor.

Sec. 14. The Legislative Services Officer shall mail a copy of this act to the County Board of Elections in each county affected by this act.

Sec. 15. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.

H. B. 4

CHAPTER 3

AN ACT TO PROTECT VOTERS' PRIVACY BY ALTERING THE MANNER IN WHICH THE RESULTS ARE REPORTED FROM BALLOTS CAST BY TRANSFERRED VOTERS.

The General Assembly of North Carolina enacts:

Section 1. Subdivision (1) of G.S. 163-72.3(a) is amended by adding the following: "If the precinct at which the voter is registered is not open for that election, the voter shall go instead to the county board of elections office or to another location designated by the board, at which place a board employee or election official designated by the board shall issue the certificate of removal and perform the other duties specified below for the precinct officials."

Sec. 2. Subdivision (7) of G.S. 163-72.3(a) is rewritten to read:

"(7) Envelopes containing ballots voted under this section shall be retained to be opened and the ballots counted after the polls close on election day. Ballots voted at the board office shall be counted by board members or assistants appointed by the board. Ballots voted at other locations shall be counted by the precinct transfer assistants assigned to those locations, aided by precinct officials or ballot counters for those locations. At each location all envelopes shall be opened and all ballots deposited in the appropriate boxes before any ballots are counted, and the results of the counting shall be entered on duplicate transfer report forms signed by the officials responsible for the counting.

If the county board of elections designates a precinct voting place as a location for voting under this section, and only voters who now reside in that precinct are permitted to vote transfer ballots there, the board may direct the precinct officials to place the transfer ballots in the appropriate precinct ballot boxes immediately after the polls close and to count and report the results of the transfer ballots together with all other ballots voted in the precinct."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.

S. B. 2

CHAPTER 4

AN ACT TO REAPPORTION SENATE DISTRICT 22.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-1(a) is amended by deleting Senate District 22 and substituting the following districts in the appropriate numerical sequence:

"District 22 elects one Senator and consists of Cabarrus County and the following precincts of Mecklenburg County: Charlotte Precincts 62 and 64, Clear Creek Precinct, Matthews Precinct, Mint Hill Precincts 1 and 2, Morning Star Precinct, and Providence Precinct.

District 33 elects one Senator and consists of the following precincts of Mecklenburg County: Charlotte Precincts 2, 11, 12, 13, 14, 15, 16, 22, 25, 27, 29,

31, 39, 41, 42, 44, 46, 52, 54, 55, 56, 60, 77, 78, and 82, and Long Creek Precinct 2.

District 34 elects one Senator and consists of the following precincts of Mecklenburg County: Charlotte Precincts 3, 4, 5, 23, 24, 26, 28, 30, 33, 40, 43, 45, 53, 61, 79, 80, 81, 83, 84, and 89, and Berryhill Precinct, Cornelius Precinct, Crab Orchard Precincts 1 and 2, Davidson Precinct, Huntersville Precinct, Lemly Precinct, Long Creek Precinct 1, Mallard Creek Precincts 1 and 2, Oakdell Precinct, Paw Creek Precincts 1 and 2, and Steel Creek Precincts 1 and 2.

District 35 elects one Senator and consists of the following precincts of Mecklenburg County: Charlotte Precincts 1, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 32, 34, 35, 36, 37, 38, 47, 48, 49, 50, 51, 57, 58, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 85, 86, and 88, and Pineville Precinct."

Sec. 2. G.S. 120-1(c) is amended by adding the following at the end:

"For Mecklenburg County, precinct boundaries are as shown on the current maps in use on January 31, 1984, by the Mecklenburg County Board of Elections under G.S. 163-128(b).

If any changes in precinct boundaries are made, the areas on the maps shall still remain in the same Senate District."

Sec. 3. G.S. 120-1(a) is further amended by deleting "in 1982 and every two years thereafter", and inserting in lieu thereof "in 1984 and every two years thereafter".

Sec. 3.1. In the event that the U. S. Supreme Court reverses the opinion of the U. S. District Court which held the composition of Senate District 22 to violate the Voting Rights Act, then Sections 1 through 3 of this act are repealed and the prior law as to Senate District 22 is revived as to any future election.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.

S. B. 1

CHAPTER 5

AN ACT TO REAPPORTION DISTRICTS ONE, TWO, SIX, NINE, TEN, ELEVEN AND FOURTEEN OF THE NORTH CAROLINA SENATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-1(a) is amended in the second line by substituting the year "1984" for the year "1982".

Sec. 2. G.S. 120-1(a) is further amended by rewriting Districts 1, 2, 6, 9, 10, 11 and 14 to read:

"District 1 elects one Senator and consists of Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell and Washington Counties; the Pantego Township of Beaufort County; the following areas in Bertie County: Merry Hill, and Whites Townships, and in Windsor Township the Town of Askewville and Enumeration Districts 196 and 197; and in Gates County: Holly Grove, Hunters Hill and Mintonville Townships."

"District 2 elects one Senator and consists of Hertford and Northampton Counties; the following areas in Bertie County: Colerain, Indian Woods, Mitchells, Roxobel, Snake Bite and Woodville Townships, and in Windsor Township: The Town of Windsor and Enumeration Districts 198A, and 199; in Edgecombe County: 3 (Upper Conetoe) and 4 (Deep Creek) Townships; in Gates County: Gatesville, Hall, Haslett and Reynoldson Townships; in Halifax

County: Conocarnara, Enfield, Halifax, Littleton, Palmyra, Roseneath, Scotland Neck, and Weldon Townships; in Martin County: Goose Nest and Hamilton Townships; in Vance County: Middleburg-Nutbush, Townsville and Williamsboro Townships; and in Warren County: Fork, Hawtree, Nutbush, River, Roanoke, Sandy Creek, Shocco, Sixpound, Smith Creek and Warrenton Townships.”

“District 6 elects one Senator and consists of in Edgecombe County: 1 (Tarboro), 2 (Lower Conetoe), 5 (Lower Fishing Creek), 8 (Sparta), 9 (Otter Creek), 10 (Lower Town Creek), 11 (Walnut Creek), 12 (Rocky Mount), 13 (Cokey), and 14 (Upper Town Creek) Townships; in Martin County: the Robersonville Township; in Pitt County: Arthur, Belvoir, Bethel, Falkland, Farmville and Fountain Townships; and in Wilson County: Gardner, Wilson and Toisnot Townships.”

“District 9 elects one Senator and consists of in Beaufort County: Bath, Chocowinity, Long Acre, Richland and Washington Townships; in Martin County: Beargrass, Cross Roads, Griffins, Jamesville, Poplar Point, Williams and Williamston Townships; and in Pitt County: Ayden, Carolina, Chicod, Greenville, Grifton, Grimesland, Pactolus, Swift Creek and Winterville Townships.”

“District 10 elects one Senator and consists of Nash County; in Edgecombe County: 6 (Upper Fishing Creek) and 7 (Swift Creek); in Halifax County: Brinkleyville, Butterwood, Faucett and Roanoke Rapids Townships; in Warren County: Fishing Creek and Judkins Townships; and in Wilson County: Black Creek, Cross Roads, Old Fields, Saratoga, Springhill, Stantonsburg, and Taylor Townships.”

“District 11 elects one Senator and consists of Franklin and Vance Counties; and in Wake County: Bartons Creek, Little River, Marks Creek, New Light and Wake Forest Townships and St. Matthews Precincts 1, 2, 3 and 4.”

“District 14 elects three Senators and consists of Harnett and Lee Counties and the following areas in Wake County: Buckhorn, Cary, Cedar Fork, Holly Springs, House Creek, Leesville, Meredith, Middle Creek, Neuse River, Panther Branch, Raleigh, St. Mary’s, Swift Creek and White Oak Townships and those portions of St. Matthews Township not included in District 11.”

Sec. 3. G.S. 120-1(b) is rewritten to read as follows:

“(b) The names and boundaries of townships, towns and enumeration districts specified in this section are as they were legally defined and in effect as of January 1, 1980, and recognized in the 1980 U. S. Census.”

Sec. 4. G.S. 120-1(c) is amended by adding the following at the end:

“The Wake County precinct boundaries are as shown on the current map in use by the Wake County Board of Elections on January 31, 1984, in accordance with G.S. 163-128(b). If changes in precinct boundaries are made, the areas on the map shall still remain in the same Senate district.”

Sec. 4.1. In the event that the U. S. Supreme Court reverses the opinion of the U. S. District Court which held the composition of Senate District 2 to violate the Voting Rights Act, then Sections 1 through 4 of this act are repealed and the prior law as to Senate Districts 1, 2, 6, 9, 10, 11, and 14 is revived as to any future election.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.

H. B. 1

CHAPTER 6

AN ACT TO REAPPORTION HOUSE DISTRICTS 21, 23, 36 AND 39.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-2(a) is amended by deleting House District 36 and substituting the following districts in the appropriate numerical sequence:

“District 36 shall elect one Representative and shall consist of the following precincts of Mecklenburg County: Charlotte Precincts 6, 34, 62, 63, 83, 84, and 85, Clear Creek Precinct, Crab Orchard Precinct 1, Matthews Precinct, Mint Hill Precincts 1 and 2, and Morning Star Precinct.

District 54 shall elect one Representative and shall consist of the following precincts of Mecklenburg County: Charlotte Precincts 5, 28, 29, 43, 44, and 60, Cornelius Precinct, Crab Orchard Precinct 2, Davidson Precinct, Huntersville Precinct, Lemly Precinct, and Mallard Creek Precincts 1 and 2.

District 55 shall elect one Representative and shall consist of the following precincts of Mecklenburg County: Charlotte Precincts 8, 9, 10, 19, 32, 48, 50, 57, 58, 59, 74, 75, 76, and 77, Pineville Precinct, and Steel Creek Precinct 2.

District 56 shall elect one Representative and shall consist of the following precincts of Mecklenburg County: Charlotte Precincts 20, 21, 37, 38, 49, 51, 52, 78, 79, and 80, Berryhill Precinct, Long Creek Precinct 1, Oakdell Precinct, Paw Creek Precincts 1 and 2, and Steel Creek Precinct 1.

District 57 shall elect one Representative and shall consist of the following precincts of Mecklenburg County: Charlotte Precincts 35, 36, 47, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 86, and 88, and Providence Precinct.

District 58 shall elect one Representative and shall consist of Charlotte Precincts 1, 2, 3, 4, 7, 13, 14, 15, 17, 18, 33, 45, 46, and 61 of Mecklenburg County.

District 59 shall elect one Representative and shall consist of the following precincts of Mecklenburg County: Charlotte Precincts 11, 16, 22, 23, 27, 31, 39, 41, 53, 81, and 89, and Long Creek Precinct 2, and from Precinct 42 it shall include only Blocks 104 and 105 of Census Tract 53.02.

District 60 shall elect one Representative and shall consist of Charlotte Precincts 12, 24, 25, 26, 30, 40, 54, 55, 56, and 82 of Mecklenburg County, and shall include all of Precinct 42 in Mecklenburg County except for Blocks 104 and 105 of Census Tract 53.02.”

Sec. 2. G.S. 120-2(a) is amended by deleting House District 21 and substituting the following districts in the appropriate numerical sequence:

“District 21 shall elect one Representative and shall consist of the following precincts of Wake County: Raleigh 14, 19, 20, 22, 25, 26, 28, 34, 35, 38, 40, and St. Matthews 3.

District 61 shall elect one Representative and shall consist of Barton’s Creek Township and New Light Township of Wake County and the following precincts of Wake County: Raleigh 3, 4, 5, 10, 11, 12, 13, 15, 17, 18, 30, 33, 36, 37, 39, House Creek 4, and Leesville.

District 62 shall elect one Representative and shall consist of Buckhorn Township, Holly Springs Township, Middle Creek Township, Panther Branch Township, and White Oak Township of Wake County and the following precincts of Wake County: Cary 1, 4, and 7, St. Mary’s 1 and 2, and St. Matthews 2 and 4, except that in St. Mary’s 2, it does not include Blocks 112,

951 and 952 (outside Garner city limits) of Census Tract 528.05 of St. Mary's Township.

District 63 shall elect one Representative and shall consist of Cedar Fork Township of Wake County and the following precincts of Wake County: Cary 2, 3, and 5, House Creek 1, 2, and 3, Meredith and Raleigh 16, 29, 31, 32, and 41.

District 64 shall elect one Representative and consists of the following precincts of Wake County: Cary 6, Raleigh 1, 2, 6, 7, 8, 9, 21, 23, 24, 27, St. Mary's 3, 4, 5, and 6, and Swift Creek 1 and 2. It also includes from St. Mary's 2 Blocks 112, 951, and 952 (outside Garner city limits) of Census Tract 528.05 of St. Mary's Township.

District 65 shall elect one Representative and consists of Little River Township, Mark's Creek Township and Wake Forest Township of Wake County and the following precincts of Wake County: Raleigh 42, 43, 44, and 45, Neuse, and St. Matthews 1."

Sec. 3. G.S. 120-2(a) is amended by deleting House District 39 and substituting the following districts in the appropriate numerical sequence:

"District 39 shall elect three Representatives and shall consist of the remainder of Forsyth County not included in Districts 29, 66, or 67.

District 66 shall elect one Representative and shall consist of the following precincts of Forsyth County: 30-1, 40-1, 40-2, 40-3, 40-4, 40-5, 40-6, 50-1, 50-2, 50-3, 50-4, 50-5, 6-3, 8-2, and 8-3 but does not include that part of Block 314, Census Tract 33.03 of Winston Township which is not contiguous with the primary corporate limits of the City of Winston-Salem.

District 67 shall elect one Representative and shall consist of the following precincts of Forsyth County: 20-1, 20-2, 20-3, 20-4, 20-5, 20-6, 30-2, 30-3, 30-5, 30-6, 90-2, 90-3, 90-5, and 10-3."

Sec. 4. G.S. 120-2(a) is amended by deleting House District 23 and substituting the following districts in the appropriate numerical sequence:

"District 23 shall elect one Representative and shall consist of Durham County Precincts 6, 10, 11, 12, 13, 14, 15, 18, 34, 36, 40, 41, 42, and 47. It also includes all of Durham County Precinct 19 not included in District 68.

It also includes from Precinct 9 only the following: Block 303 of Census Tract 13.02, Blocks 411 and 412 of Census Tract 20.03, and the part of Block 113 of Census Tract 20.02 excluding the area bounded by Bexley Avenue, Monticello Avenue, Stuart Drive and Hope Valley Rd.

It also includes from Precinct 39 only the following: Blocks 202, 216, 217, 415, 416, 417, 418 and 419 of Census Tract 20.02.

District 68 shall elect one Representative and shall consist of Durham County Precincts 1, 2, 3, 7, 8, 17, 20, 21, 22, 23, 24, 29, and 46.

It also includes all of Precinct 9 not included in District 23. It also includes all of Precinct 4 not included in District 69.

It also includes from Precinct 19 only the following: Blocks 115, 116, 118, 119, 120, 124, 201, 202, 203, 214, 307, 308, 316 and 317 of Census Tract 2.

District 69 shall elect one Representative and shall consist of Durham County Precincts 5, 25, 26, 28, 30, 31, 32, 33, 35, 37, 38, 43, 44, and 45. It also includes from Precinct 4 only the following: Block 316 of Census Tract 4.02 and Blocks 120, 123, 124, 125, 126, 127, 311 and 317 of Census Tract 4.01.

It also includes all of Precinct 39 not included in District 23."

Sec. 5. G. S. 120-2(c) is amended by adding the following immediately after the first paragraph:

“For Mecklenburg, Wake, Durham, and Forsyth Counties, precinct boundaries and streets are as shown on the current maps in use by the appropriate county board of elections on January 31, 1984, in accordance with G.S. 163-128(b).”

Sec. 6. G.S. 120-2(a) is amended by deleting the phrase “in 1982 and periodically thereafter”, and inserting in lieu thereof “in 1984 and periodically thereafter”.

Sec. 6.1. In the event that the U. S. Supreme Court reverses any or all of the opinion of the U. S. District Court which held the composition of House Districts 21, 23, 36, and 39 to violate the Voting Rights Act, then to the extent that such reversal holds any of those districts to have been valid, any part of this act which reapportioned such district is repealed and the prior law revived as to any future election.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.

H. B. 6

CHAPTER 7

AN ACT TO PROVIDE AN EFFECTIVE DATE FOR CHAPTER 6.

The General Assembly of North Carolina enacts:

Section 1. Chapter 6, Session Laws, Extra Session of 1984, is amended by adding a new section to read:

“Sec. 6.2. This act is effective upon ratification.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.

Resolutions—1984

H. R. 5

RESOLUTION 1

A JOINT RESOLUTION ADJOURNING THE 1984 EXTRA SESSION SINE DIE.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The House of Representatives and the Senate, constituting the 1984 Extra Session of the General Assembly, do adjourn the 1984 Extra Session sine die on Thursday, March 8, 1984, at 12:30 p.m.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.

Regular Session 1984

S. B. 704

CHAPTER 930

AN ACT TO SCHEDULE THE NONPARTISAN MUNICIPAL ELECTION IN THE CITY OF ELIZABETH CITY FOR MAYOR AND FOR MEMBERS OF THE CITY COUNCIL NOT CONDUCTED IN 1983 DUE TO DELAY CAUSED BY SUBMISSIONS TO THE UNITED STATES DEPARTMENT OF JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary and subject to the receipt by Elizabeth City of written notification from the United States Department of Justice that the Attorney General of the United States does not interpose any objection to this act and the implementation thereof under the terms of the Voting Rights Act of 1965 (as amended), the nonpartisan municipal election for Mayor and for members of the City Council of the City of Elizabeth City, originally scheduled to be conducted on October 11, 1983, shall be conducted in accordance with the schedule and procedures hereinafter prescribed, and except as provided herein, the provisions of Chapter 163 of the General Statutes shall apply.

Sec. 2. The public notice relative to the election to be conducted in accordance with this act shall be published in a newspaper having general circulation in Elizabeth City on August 10, 1984. At least one other publication shall be made no later than one week following the date of the first publication.

Sec. 3. The nonpartisan municipal election for Mayor and for members of the City Council of the City of Elizabeth City shall be conducted on Tuesday, September 11, 1984, and a runoff election, if required, shall be conducted on Tuesday, October 9, 1984.

Sec. 4. The public notice relative to a runoff election, if one is required, to be conducted in accordance with this act shall be published in a newspaper having general circulation in Elizabeth City no later than 10 days following the election, and at least one other publication shall be made no later than one week following the date of the first publication.

Sec. 5. The State Board of Elections pursuant to G.S. 163-304 and the Pasquotank County Board of Elections pursuant to G.S. 163-285 shall conduct and have authority over the election and if required, the runoff election herein ordered. Such authority shall include the right to make reasonable interim rules and regulations not inconsistent with this act in order to insure an orderly election and if required, a runoff election, as ordered herein pursuant to Articles 23 and 24 of Chapter 163 of the General Statutes and other laws applicable to elections in the City of Elizabeth City. Any interim rules and regulations adopted shall expire at the time set forth in Section 8 of this act.

Sec. 6. The election ballot to be printed pursuant to this act shall contain the names of the candidates who filed for the four ward seats and Mayor between August 19, 1983, and September 9, 1983. Each voter shall be entitled to vote for one of the candidates for Mayor and for one of the candidates as to each respective ward. Ballots shall be as provided in G.S. 163-299.

Sec. 7. The terms of the Mayor and City Council members elected pursuant to this act shall commence on the first Monday of November 1984, and their terms shall expire on the same dates their terms would have expired

had said Mayor and City Council members been elected at the elections scheduled for October 11, 1983.

Sec. 8. The provisions of this act shall be temporary and shall apply only to the election and if required, the runoff election, ordered herein. Its provisions shall expire following final certification of the election and if required, the runoff election, ordered herein.

Sec. 9. In the event any portion of this act is held unconstitutional or invalid by a State or Federal Court or is unenforceable because of objection interposed by the United States Department of Justice under the Voting Rights Act of 1965 (as amended) or if the United States Department of Justice imposes requirements in addition to those set forth herein in connection with the election and if required, the runoff election, herein ordered, which additional requirements are prerequisites to obtaining a nonobjection by the United States Attorney General under the Voting Rights Act of 1965 (as amended), then and in any of said events, the State Board of Elections shall have authority to make reasonable interim rules and regulations with respect to the election and if required, the runoff election herein ordered, and to implement any additional requirements which may be imposed as set forth above, in addition to or in lieu of the procedures set forth in this act, and such rules and regulations shall expire at the time set forth in Section 8 hereof.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1984.

S. B. 709

CHAPTER 931

AN ACT REGARDING THE TRANSFER OF THE STONEVILLE SCHOOL DISTRICT TO THE MADISON-MAYODAN CITY SCHOOL ADMINISTRATIVE UNIT; PROVIDING FOR THE CONTINUED EMPLOYMENT OF CAREER TEACHERS PRESENTLY EMPLOYED BY THE ROCKINGHAM COUNTY SCHOOL ADMINISTRATIVE UNIT AND ASSIGNED TO THE STONEVILLE SCHOOL DISTRICT; CHANGING THE NAME OF THE "MADISON-MAYODAN CITY SCHOOL ADMINISTRATIVE UNIT" TO THE "WESTERN ROCKINGHAM CITY SCHOOL ADMINISTRATIVE UNIT"; CHANGING THE NAME OF THE "MADISON-MAYODAN CITY BOARD OF EDUCATION" TO THE "WESTERN ROCKINGHAM CITY BOARD OF EDUCATION"; PROVIDING FOR THE ELECTION OF MEMBERS OF THE WESTERN ROCKINGHAM CITY BOARD OF EDUCATION; ESTABLISHING THE TERM OF OFFICE OF THE MEMBERS OF THE WESTERN ROCKINGHAM CITY BOARD OF EDUCATION.

Whereas, the State Board of Education on April 4, 1984, approved the transfer of the Stoneville School Attendance District from the Rockingham County administrative unit to the Madison-Mayodan City School administrative unit pursuant to G.S. 115C-73; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Effective July 1, 1984, the name of the Madison-Mayodan City school administrative unit shall be changed to the Western Rockingham City school administrative unit. Also effective July 1, 1984, the name of the Madison-Mayodan City Board of Education shall be changed to the Western

Rockingham City Board of Education. Also effective July 1, 1984, all land, buildings, and fixtures, and all books, equipment, and other personal property of the Rockingham County School Administrative Unit, located within the Stoneville School Attendance District shall become the sole property of the Western Rockingham City Board of Education. All rules, regulations, policies, and procedures of the Madison-Mayodan City Board of Education adopted prior to and effective upon July 1, 1984, shall remain in full force and effect on and after July 1, 1984, unless repealed or modified by the Western Rockingham City Board of Education.

Sec. 2. Effective July 1, 1984, the Western Rockingham City Board of Education shall employ, and pursuant to G.S. 115C-325(c)(2) confer career status upon, any career teacher (as that term is defined in G.S. 115C-325(a)(1)) employed by the Rockingham County Board of Education and assigned exclusively to a school within the Stoneville School Attendance District for the 1983-84 school year who has not been dismissed or demoted pursuant to G.S. 115C-325 and who desires to become an employee of the Western Rockingham City Board of Education. Any such career teacher so employed by the Western Rockingham City Board of Education shall be subject to all employment rules, regulations, policies, procedures, and benefits applicable to career teachers presently employed by the Madison-Mayodan City Board of Education and such career teacher's years of employment by the Rockingham County Board of Education shall be included in determining the seniority status of such career teacher.

Sec. 3. (a) Effective July 1, 1984, the number of members of the Western Rockingham City Board of Education shall be seven. The membership of the Western Rockingham City Board of Education shall be composed initially of the five persons serving as members of the Madison-Mayodan City Board of Education as of July 1, 1984, and two additional persons appointed by the aforesaid five members of the Madison-Mayodan City Board of Education. Each of the persons so appointed shall be a resident of the Stoneville School Attendance District. One of the persons so appointed shall serve as a member of the Western Rockingham City Board of Education until the first regularly scheduled meeting of said Board of Education in January 1987. The other person so appointed shall serve as a member of the Western Rockingham City Board of Education until the first regularly scheduled meeting of said Board of Education in January 1985. Such appointment shall not be deemed to disqualify the appointee from seeking election to the Western Rockingham City Board of Education.

(b) In the general election in November 1984, two members of the present Madison-Mayodan City Board of Education are to be elected, one of whom represents the Town of Mayodan and the other of whom represents the Madison-Mayodan City administrative unit at large. These members shall be elected as scheduled in November 1984, and shall serve upon the Western Rockingham City Board of Education for a term of four years.

(c) Also, elected in the general election in November 1984 shall be one additional person to serve on the Western Rockingham City Board of Education for a term of four years. The person so elected in November 1984 shall be a resident of the Stoneville School Attendance District. In subsequent elections, any person residing in the Western Rockingham City administrative unit shall be eligible for this seat and the person so elected shall represent the

Western Rockingham City administrative unit at large. Any person who desires to be a candidate for this seat in the November 1984 general election shall file a notice of candidacy with the Rockingham County Board of Elections on or before August 1, 1984.

(d) In the general election in November 1986, the remaining four members of the Western Rockingham City Board of Education shall be elected for a term of four years. One of these members shall be a resident of the Town of Madison; one of these members shall be a resident of the Town of Stoneville; and two of these members shall be a resident of the Western Rockingham City administrative unit at large. Each candidate shall indicate in his notice of candidacy the area which he wishes to represent on said Board of Education.

(e) All vacancies in the membership of the Western Rockingham City Board of Education, except as shall occur upon the expiration of a term of office, shall be filled by appointment by the remaining members of said Board of Education. Each appointee shall be a resident of the same geographic boundary area as the member replaced and shall serve for the unexpired term of the member replaced.

(f) All qualified voters residing in the Western Rockingham City administrative unit shall be eligible to vote in all elections for membership to the Western Rockingham City Board of Education. The nonpartisan plurality method as set forth in Article 24 of Chapter 163 of the General Statutes of North Carolina shall be applicable to all elections for membership to the Western Rockingham City Board of Education except as otherwise provided herein.

Sec. 4. Effective July 1, 1984, the following specifically described areas shall constitute the Western Rockingham City administrative unit:

The POINT OF BEGINNING is the common corner of Stokes County and Rockingham County in the North Carolina-Virginia state line; and proceeding from said POINT OF BEGINNING South with the common boundary of Stokes County and Rockingham County to the common corner of Stokes County, Rockingham County, Forsyth County, and Guilford County; then proceeding East with the common boundary of Rockingham county and Guilford County to the center of U.S. Highway #220; then proceeding North with the center of U.S. Highway #220 to its intersection with Jacob's Creek; then proceeding Northeast with Jacob's Creek, passing N.C.S.R. #2337 (Irene Williams Road), N.C.S.R. #2336 (Gold-Hill Baggage Road), N.C.S.R. #2334 (Marvin Angel Road), N.C.S.R. #2327 (Kellam Mill Road), and N.C.S.R. #2316 (Bethany Road), to the center of N.C. Highway #704 (Jacob's Creek bridge); then proceeding East with the center of N.C. Highway #704 to its second intersection with N.C.S.R. #2190; then proceeding North across private property to a point in the center of the Dan River which is the common corner of the Deep Springs Country Club Estates property and the G. W. Broadnax property; then proceeding Northeast with the Dan River to the Western boundary of the Eden City Schools administrative unit; then proceeding Northwest with the boundary of the Eden City Schools administrative unit to its intersection with the North Carolina-Virginia state line; then proceeding West with the North Carolina-Virginia state line to the aforesaid POINT OF BEGINNING.

For reference to the description of the boundaries of the Eden City Schools administrative unit, see Chapter 57 of the 1929 Private Laws.

Sec. 5. The General Assembly urges that Madison-Mayodan High School and Stoneville High School not be consolidated until an adequate and conveniently located replacement facility is constructed.

Sec. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. Chapter 783, Session Laws of 1983, is repealed.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1984.

In the General Assembly read three times and ratified, this the 15th day of June, 1984.

H. B. 1582

CHAPTER 932

AN ACT TO RESCHEDULE THE 1984 PRIMARY ELECTION FOR PERSON COUNTY WHICH WAS NOT CONDUCTED DUE TO DELAY CAUSED BY SUBMISSIONS UNDER THE VOTING RIGHTS ACT OF 1965.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary and subject to the receipt from the United States Department of Justice that the Attorney General of the United States does not interpose any objection to this act and the implementation thereof under the terms of the Voting Rights Act of 1965, the primary election for the Board of Commissioners of Person County, originally scheduled to be conducted on May 8, 1984, shall be conducted in accordance with the schedule and procedures hereinafter prescribed, and except as provided herein, the provisions of Chapter 163 of the General Statutes shall apply.

Sec. 2. The term "approval date", as used in this act, shall mean the date upon which there is received written notification from United States Department of Justice that the Attorney General of the United States does not interpose any objection to this act and the implementation thereof under the terms of the Voting Rights Act of 1965.

Sec. 3. The public notice relative to the primary election to be conducted in accordance with this act shall be published in a newspaper having general circulation in Person County no later than the seventh day following the approval date. At least one other publication shall be made no later than one week following the date of the first publication.

Sec. 4. The first primary election for members of the Board of County Commissioners in Person County shall be conducted on Thursday, September 6, 1984, and a second primary, if required, shall be conducted on the fourth Thursday after the first primary.

Sec. 5. The public notice relative to a second primary election, if one is required, to be conducted in accordance with this act shall be published in a newspaper having general circulation in Person County no later than 10 days following the first primary election, and at least one other publication shall be made no later than one week following the date of first publication. The public notice relative to the general election shall be published in a newspaper having general circulation in Person County no later than 20 days before the general election, and at least one other publication shall be made.

Sec. 6. The Person County Board of Elections shall conduct the canvass for the primaries ordered herein on the second day following the conduct of said primaries.

Sec. 7. The Person County Board of Elections shall implement the provisions of this act and shall be authorized to execute its responsibilities pursuant to G.S. 163-33(1) and G.S. 163-35(d).

Sec. 8. Absentee ballots are authorized for the elections ordered under provisions of this act and shall be issued as quickly as the ballots can be made available following ratification of this act. The requirement that absentee ballots shall be available for voting at least 60 days prior to the date of the primary or election shall not apply with regard to the primaries and election ordered herein. The Person County Board of Elections shall hold such meetings as are necessary to pass upon the validity of applications for absentee ballots received in Person County for the elections ordered under the provisions of this act, and the schedule of meetings for said purpose as set forth in G.S. 163-230(2) may be modified by the Person County Board of Elections.

Sec. 9.

(a) All candidate filing during the regular filing period January 2, 1984, through February 6, 1984, for the Person County Board of Commissioners is hereby voided, and the filing fee for any candidate whose filing is voided by this section shall, upon application, be refunded or, if the candidate chooses to file for Person County Board of Commissioners, be credited by the county board of elections toward such new filing.

(b) Filing for Person County Board of Commissioners shall open at 12:00 noon on Monday, July 23, 1984, and close at 12:00 noon on Monday, July 30, 1984.

Sec. 10. The provisions of this act shall be temporary and shall apply only to the primaries and election ordered herein and its provisions shall expire following final certification of the primaries and general election ordered herein.

Sec. 11. In the event any portion of this act is held unconstitutional or invalid by a State or federal court or is unenforceable because of objection interposed by the United States Department of Justice under the Voting Rights Act of 1965 or if the United States Department of Justice imposes requirements in addition to those set forth herein in connection with the primaries herein ordered, which additional requirements are prerequisite to obtaining a nonobjection by the United States Attorney General under the Voting Rights Act of 1965, or in case the approval date is after July 22, 1984, or if no approval has been received by that date, then the State Board of Elections shall have authority to make reasonable interim rules and regulations with respect to the primaries herein ordered, and to implement any additional requirements which may be imposed as set forth above, in addition to or in lieu of the procedures set forth in this act, and such rules and regulations shall expire at the time set forth in Section 11 hereof and may, if necessary, change the filing period and/or reschedule the primary and general election for Person County Board of Commissioners.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1984.

S. B. 712

CHAPTER 933

AN ACT TO PROVIDE FOR ATTACHMENT OR GARNISHMENT FOR
AMBULANCE LIENS IN ROWAN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 44-51.8 is amended by inserting immediately before the word "Rutherford," the word "Rowan,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1984.

S. B. 719

CHAPTER 934

AN ACT TO ESTABLISH THE TERM OF OFFICE FOR SCHOOL BOARD
MEMBERS FOR KINGS MOUNTAIN CITY SCHOOLS AS FOUR YEARS.

The General Assembly of North Carolina enacts:

Section 1. For the purpose of identification only, the seats on the Board of Education of Kings Mountain District Schools are numbered as follows:

(a) The seat currently held by Paul R. Hord, Jr., is designated as seat number one;

(b) The seat currently held by June C. Lee is designated as seat number two;

(c) The seat currently held by Doyle Campbell is designated as seat number three;

(d) The seat currently held by W. B. McDaniel is designated as seat number four;

(e) The seat currently held by Kyle Smith is designated as seat number five.

Sec. 2. Seat number one is to be filled for a term of four years at an election to be held in November 1985.

Sec. 3. Seat numbers two and three are to be filled for a term of four years at an election to be held in November 1987.

Sec. 4. Seat numbers four and five are to be filled for a term of four years at an election to be held in November 1989.

Sec. 5. All seats filled by election subsequent to the election held in 1989 shall be for a term of four years, unless the said election is held for the specific purpose of filling a vacancy for the remaining portion of an unexpired term.

Sec. 6. It is the specific intent of this act to fix the term of office of members of the Kings Mountain School Board at four years instead of six years. It is the further intent of the act that all other matters relating to the election of said school board members shall remain unchanged.

Sec. 7. This act is effective upon ratification.

H. B. 1493

CHAPTER 935

AN ACT TO ALLOW ABSENTEE VOTING IN CHERRYVILLE CITY ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Cherryville, being Chapter 581, Session Laws of 1969, is amended by adding a new section to read:

“Sec. 4.6. Absentee Voting. Absentee voting shall be allowed in the City of Cherryville if city elections are conducted by a municipal board of elections, and any references in G.S. 163-302 that refer to the county board of elections shall, for the City of Cherryville, refer to the municipal board of elections if city elections are conducted by a municipal board of elections. The State Board of Elections may adopt rules to regulate this section.”

Sec. 2. This act shall become effective with respect to all elections held on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 18th day of June, 1984.

H. B. 1494

CHAPTER 936

AN ACT TO INCORPORATE THE WALKERTOWN SANITARY DISTRICT INTO A MUNICIPALITY TO BE KNOWN AS THE TOWN OF WALKERTOWN, AND TO SIMULTANEOUSLY DISSOLVE THE WALKERTOWN SANITARY DISTRICT, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The inhabitants in the area hereinafter described are hereby constituted a body politic and corporate under the name of the “Town of Walkertown” and are hereby vested with all the powers, rights, privileges, immunities, and authority granted by the Constitution and general laws of this State upon municipalities and especially Chapter 160A of the General Statutes.

Section 1.1. Notwithstanding the provision of Section 1 hereinabove of this act and the provisions of G.S. 160A-209(d), and the rate limitation set out in G.S. 160A-209(d), the Town Council may levy property taxes only up to a combined rate of forty cents (40c) on the one hundred dollar (\$100.00) appraised value of property subject to taxation, without an approving vote of the qualified voters as provided in G.S. 160A-209(e), G.S. 160A-209(f), or in Chapter 159 of the General Statutes. Any tax levy approved by the qualified voters as provided in G.S. 160A-209(e), G.S. 160A-209(f), or Chapter 159 of the General Statutes, shall not count for the purposes of rate limitation imposed herein.

Sec. 1.2. Notwithstanding general law and any provisions in this act to the contrary, the Mayor and other Council members shall receive such compensation as the governing body shall from time to time fix by ordinance.

Sec. 2. The corporate boundaries of the Town of Walkertown shall be: BEGINNING at a point in the center of the Norfolk & Western Railroad, said point being South 71 00' West, 250.0 feet from the intersection of said Railroad and the centerline of N.C. Highway No. 66, said intersection being at an underpass situated about 0.9 miles westwardly from the Railroad Depot at Walkertown; running thence North 19 00' West on a line at right angles to the centerline of the said Railroad, 335.0 feet, more or less, to a point that is 30.0

feet northwardly from and at right angles to the centerline of said Highway No. 66; thence North 79 00' East 560 feet, more or less, to a point that is 230 feet northwardly from and at right angles to South Salem Street (Old Salem Road); thence North 70 00' East 800 feet, more or less, to a point that is 230 feet northwardly from the centerline of South Salem Street and 230 feet westwardly from and at right angles to Shirley Drive; thence on a line 230 feet westwardly from and parallel to said Shirley Drive North 04 00' East 850 feet, more or less, to a point; thence North 86 00' West 60 feet, more or less, to a point; thence North 05 50' East 471 feet, more or less, to a point; thence North 84 45' East 582 feet, more or less, to a point; thence South 05 50' West 477 feet, more or less, to a point; thence North 86 00' West 60 feet, more or less, to a point, said point being approximately 230 feet east of the centerline of Shirley Drive; thence on a line 230 feet east of and parallel to said Shirley Drive South 04 00' West 750 feet, more or less, to a point that is 230 feet northwardly from and at right angles to South Salem Street (SR No. 1986); thence with said line parallel to SR No. 1986 North 82 00' East 1400 feet, more or less, to a point that is 250 feet northwardly from and at right angles to the centerline of Norfolk & Western Railroad; thence North 15 45' West 475 feet, more or less, to a point that is 230 feet southwardly from the centerline of Leight Street extended westwardly; thence North 01 45' East 460 feet to a point that is 230 feet northwardly from the centerline of said Leight Street extended; thence on a line that is 230 feet northwardly from and parallel to said Leight Street South 87 00' East 500 feet to a point that is 230 feet northwardly from the intersection of the centerlines of said Leight Street and Carmichael Street; thence along the centerline of Carmichael Street extended northwardly North 01 45' East 975 feet to a point that is on the centerline of Watkins Avenue extended westwardly; thence North 47 00' West 1200 feet to a point; thence North 43 00' East, crossing the Norfolk and Western Railroad and US Highway No. 311, 690 feet to a point; thence on a line 230 feet northeast of said US Highway 311 South 48 30' East 1085 feet to a point that is 150 feet northwest of the centerline of SR No. 1977 (Pine Hall Road); thence South 32 30' East 230 feet, more or less, to a point lying in the eastern margin of the right-of-way line of Pine Hall Road; thence along the eastwardly right-of-way line of Pine Hall Road North 29 00' East 220 feet, more or less, to a point in the eastwardly right-of-way line; thence South 86 00' East 250 feet, more or less, to a point; thence South 07 00' West 307 feet, more or less, to a point, said point being approximately 230 feet north of the centerline of Watkins Avenue; thence on a line 230 feet north of and parallel to the centerline of said Watkins Avenue East 750 feet, more or less, to a point in the eastern right-of-way line of Linville Street extended northward; thence with the said line of Linville Street North 03 00' East 234.41 feet to a point, that is the northwestern corner of tax lot 108-B, tax block 5171, Forsyth County; thence along the dividing line of tax blocks 5171 and 5162 South 85 13' East 810 feet to a point, this point being the southwestern corner of tax lot 6-E, tax block 5162; thence along the western line of tax lot 6-E, tax block 5162 North 7 15' East 200 feet to a point, being the northwestern corner of tax lot 6-E, tax block 5162; thence along the northern line of tax lot 6-E, tax block 5162, South 85 13' East 200 feet to a point on the dividing line of tax blocks 5162 and 5171; thence along said dividing line North 7 15' East 200 feet, more or less, to a point; thence across tax lot 204, tax block 5171, and along the dividing line of tax lots 204 and 207, tax block 5171, South

79 30' East 355 feet, more or less, to a point on the dividing line of tax blocks 5171 and 5166; thence along said dividing line and parallel with Phillips Road North 3 35' East 1239.4 feet to a point; thence along the dividing line of tax lot 85, tax block 5165, and tax lots "A" through "I" tax block 5166, the following three courses and distances: South 86 25' East 320 feet, to a point; thence South 3 35' West 825.7 feet, to a point; thence South 73 02' East 120 feet, to a point; thence across tax lot 85, tax block 5165, North 35 10' East 495 feet, more or less, to a point, on the dividing line of tax lots 84 and 85, tax block 5165; thence across tax lot 84, tax block 5165, North 53 50' East 250 feet, more or less, to a point in tax lot 84, tax block 5165; thence across tax lot 84, tax block 5165 and crossing Sullivantown Road SR 1992 South 25 30' East 476 feet, more or less, to a point being the southeastern corner of tax lot 67-B, tax block 5166; thence along the dividing line of tax blocks 5166 and 5171 the following 2 courses and distances: South 71 00' West 44.05 feet to a point; thence South 30 58' West 570 feet to a point; thence along the southeastern line of tax lot 40, tax block 5171, South 51 14' West 165 feet, more or less, to a point; thence along the western line of tax lot 63, tax block 5166, South 8 56' West 150 feet to a point; thence along the dividing line of tax blocks 5166 and 5171 South 28 21' West 130 feet, more or less, to a point; thence along the northern line of tax block 5171A, better known as "James L. Hastings Sr. Subdivision", recorded in Plat Book 25, Page 131, in the Office of the Register of Deeds, Forsyth County, North Carolina; South 85 39' East 645.89 feet to a point, being the northeastern corner of the "James L. Hastings, Sr. Subdivision"; thence along the southeastern line of the "James J. Hastings, Sr. Subdivision" South 38 05' West 1200.12 feet, more or less, to a point being the southern corner of the "James J. Hastings, Sr. Subdivision"; thence along the southwestern line of the "James J. Hastings, Sr. Subdivision" North 51 57' West 610.75 feet, more or less, to a point being the western corner of the "James J. Hastings, Sr. Subdivision"; thence along the southeastern line of tax lots 201 and 202, tax block 5171, South 38 59' West 315 feet to a point; thence across tax lot 203, tax block 5171, South 6 52' West 420 feet, more or less, to a point; thence along the eastern and southwestern lines of tax lot 52-F, tax block 5171, the following two courses and distances: South 13 59' West 203 feet to a point; thence North 54 00' West 290 feet, more or less, to a point that is 230 feet southeast of and at right angles to the centerline of Sullivantown Road SR 1992; thence on a line 230 feet southeastwardly of and parallel to said centerline of said Road, South 54 00' West 1220 feet, more or less, to a point; thence South 06 31' West 245 feet, more or less, to a point; thence South 83 45' East 480 feet, more or less, to a point; thence South 06 31' West 855 feet, more or less, to a point; thence South 83 45' East 150.59 feet to a point; thence South 06 31' West 100 feet, more or less, to a point; thence North 81 00' East 1150 feet, more or less, to a point that is 230 feet east of the centerline of Lakawanna Drive, State Road No. 2051; thence on a line 230 feet east of and parallel to the centerline of Lakawanna Drive (SR 2051) South 01 30' West 1850 feet, more or less, to a point, said point being 230 feet northeastwardly from the center of N.C. Highway No. 66; running thence on a line 230 feet north of and parallel of N.C. Highway No. 66 South 74 00' East 550 feet, more or less, and South 70 00' East 700 feet, more or less, to a point, the northwestern corner of lot No. 5 and the southwestern corner of lot No. 6, as shown on map of "The Hammacks" Section No. 1, recorded in Plat Book 19, Page 9, in the Office of the Register of

Deeds, Forsyth County, North Carolina; thence with the western line of "The Hammacks" - Section No. 1, North 05 13' East 2253 feet to a point, the northwest corner of lot No. 21 and continuing to the centerline of Avalee Avenue South 86 00' East 484 feet; thence with the centerline of said Avalee Avenue South 10 35' West 70 feet to a point, the intersection of the centerline of Avalee Avenue and the centerline of an unnamed street; thence with the centerline of said unnamed street South 79 25' East 280.0 feet to a point; thence with the eastern line of Lots No. 22 through No. 28, inclusive, "The Hammacks" - Section No. 1, South 10 25' West 730.0 feet to a point, the eastern corner between Lots No. 28 & 29, "The Hammacks" - Section No. 1 and being also the northwestern corner of Lot No. 21, as shown on map of "The Hammacks" - Section No. 2, said map recorded in Plat Book 21, page 84, in the Office of Register of Deeds, Forsyth County, North Carolina; thence with the northern line of said Lot No. 21 South 79 20' East 233.8 feet to a point; the northeast corner of Lot No. 22 in the western line of Martin Street; thence, crossing Martin Street and with the northern line of Lot No. 20, South 79 25' East 269.7 feet to a point, the northeast corner of said Lot No. 20; thence with the eastern boundary of "The Hammacks" - Section No. 2, South 11 33' West 1205.6 feet; South 45 19' East 354.2 feet and South 23 36' West 523.8 feet to a point, the intersection of the centerline of N.C. Highway No. 66 with the western right-of-way line of U.S. Highway No. 158; thence on a line 230.0 feet southeast of and parallel to the centerline of Martin Street South 74 10' West 2300.0 feet to a point in the western line of Lot No. 66, Block No. 5356 Salem Chapel Township, Forsyth County Tax Map as constituted; thence South 05 25' West 1050.0 feet to a point; thence South 76 25' West 236.54 feet to a point in the eastern right-of-way line of S.R. No. 2585 (Darrow Road); thence with the eastern right-of-way line of Darrow Road South 5 25' West 1414.48 feet to a point, said point being the point of intersection of the eastern right-of-way line of Darrow Road extended with the rear lot line of lots 1 and 3 through 20 inclusive of the M. E. Swain heirs' property as recorded in plat book 16, page 112, in the Office of the Register of Deeds, Forsyth County, North Carolina; thence crossing Darrow Road and along said lot line of said lots the following 2 courses and distances: North 89 12' West 775.31 feet to a point, South 89 33' West 1285.63 feet to a point, said point being the southwest corner of Lot No. 20 and the southeast corner of Lot No. 21 of the M. E. Swain heirs' property as recorded in plat book 12, page 201, in the Office of the Register of Deeds, Forsyth County, North Carolina; thence with the common line between lots 20 and 21 as recorded in said plat book 12, page 201, North 1 34' East 230.3 feet to a point in the southern right-of-way line of Swain Lane, said point being the northwest corner of Lot No. 20 and the northeast corner of Lot No. 21 of the M. E. Swain heirs' property as recorded in plat book 16, page 112; thence along the southern right-of-way line of Swain Lane North 89 05' West 173.02 feet to a point; thence crossing Swain Lane and along the common lot line between Lot Nos. 24 and 25 of the M. E. Swain heirs' property as recorded in plat book 16, page 112, North 1 34' East 262.67 feet to a point, said point being the common corner between said lots 24 and 25; thence along the rear lot line of lot 24 of the M. E. Swain heirs property as recorded in plat book 16, page 112, North 89 30' West 113.15 feet to a point in the western property line of the property of M. E. Swain heirs; thence with said property line North 02 45' East 652.3 feet to a point in said property line; thence North 86 00' West 308 feet, more or less, to a

point; thence North 16 24' East 510 feet, more or less, to a point; thence North 88 45' East 123 feet to the northwestern corner of the M. E. Swain heirs' property; thence with the northern property line of the M. E. Swain heirs' property South 87 48' East 1243.60 feet to the northeastern corner of said property; thence South 86 44' East 950.00 feet to a point; thence on a line 230 feet west of and parallel to the centerline of Darrow Road North 13 35' West 778 feet, more or less, to a point that is 230 feet south of the centerline of Dillon Street (SR 2386); thence on a line 230 feet south of and parallel to said Dillon Street South 76 25' West 400 feet to a point; thence North 13 35' West 460 feet to a point 230 feet north of the centerline of said Dillon Street; thence North 76 25' East 400.00 feet to a point, said point being 230 feet westwardly from the centerline of Darrow Road; thence on a line 230 feet west of and parallel to said Darrow Road North 13 35' West 500 feet, more or less, to a point 230 feet south of the centerline of Poindexter Street (SR 2475); thence on a line 230 feet south of and parallel to said Poindexter Street, North 87 00' West 670 feet, more or less, to a point; thence North 03 00' West 460 feet to a point, 230 feet north of the said centerline of Poindexter Street; thence on a line 230 feet north of and parallel to the centerline of Poindexter Street North 87 00' East 520 feet, more or less, to a point that is 230 feet west of and at right angles to the centerline of Darrow Road; thence on a line 230 feet west of and parallel to the centerline of said Darrow Road North 13 35' West 500 feet, more or less, to a point that is 230 feet south of and at right angles to N.C. Highway No. 66; thence on a line 230 feet south of and parallel to the centerline of said N.C. Highway No. 66 westwardly 1690 feet, more or less, to a point, said point being 230 feet south of the centerline of N.C. Highway No. 66 and said point also being on the eastern line of tax lot 47, tax block 2151, better known as the land of "Walkertown Shopping Center, Inc."; thence southerly 450 feet, more or less, to a point being the southeastern corner of the "Walkertown Shopping Center, Inc."; thence along the southern line of the land of the "Walkertown Shopping Center, INC.", and the land of Wilshire Development Co., Inc. of Winston-Salem as recorded in Deed Book 971, page 660, in the Office of the Register of Deeds, Forsyth County, North Carolina; westerly 1156.85 feet, more or less, to a point, said point being the south-western corner of the Wilshire Development Co., Inc. of Winston-Salem; thence along the western line of the Wilshire Development Co., Inc. of Winston-Salem northerly 450 feet, more or less, to a point; thence South 89 00' West 270 feet, more or less, to a point; thence on a line 230 feet west of and parallel to said Morris Street, North 01 00' West 275 feet, more or less, to a point that is 230 feet south of and at right angles to N.C. Highway No. 66; thence on a line 230 feet south of and parallel to the centerline of said N.C. Highway No. 66 South 80 00' West 400 feet, more or less, to a point that is 230 feet south of the centerline of N.C. Highway No. 66 and 230 feet southeast of and at right angles to the centerline of U.S. Highway No. 311; thence on a line 230 feet southeast of and parallel to the centerline of said U.S. Highway No. 311 South 43 00' West 850 feet, more or less, to a point; thence South 42 00' East 116 feet, more or less, to a point; thence North 86 00' West 346.8 feet more or less, to a point; thence South 1 30' West 552 feet to a point; thence North 88 30' West 286.4 feet to a point; thence South 44 38' West 365.7 feet to a point; thence North 45 21' West 220 feet to a point, said point being in the eastwardly right-of-way of U.S. Highway No. 311; thence along said right-of-way North 44 33' East 161 feet to a point; thence continuing along the eastwardly right-of-way

line North 44 30' East 760.5 feet, more or less, to a point; thence continuing along right-of-way North 44 55' East 283 feet, more or less, to a point; thence at right angles to the said right-of-way line North 42 00' West 30 feet to the centerline of U.S. Highway No. 311; thence with the centerline of said U.S. Highway No. 311 North 43 00' East 50 feet to a point in said centerline; thence North 47 00' West 230 feet to a point; thence on a line that is 230 feet northwest of and parallel to the centerline of said U.S. Highway No. 311 North 43 00' East 500 feet, more or less, to a point that is 230 feet south of the centerline of N.C. Highway No. 66; thence on a line 230 feet southwestwardly from and parallel to the centerline of N.C. Highway No. 66 as it curves to the northwest 1535 feet, more or less, to the BEGINNING.

Sec. 3. The Town shall operate under the mayor-council form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes. The Town Council shall consist of five members including a Mayor to be elected to staggered terms as is hereinafter provided. Beginning with the regular municipal election to be held in 1985, the Mayor shall be elected for terms of four years by all the qualified voters of the Town of Walkertown. Beginning with the regular municipal election to be held in 1985, the remaining four council members shall be elected by the qualified voters as follows: The two candidates receiving the highest number of votes shall be elected for a term of four years and the two candidates receiving the next highest number of votes shall be elected for a term of two years. Thereafter, as the terms of the members of the Town Council including the Mayor expire, their successors shall be elected for terms of four years. The Mayor may vote only to break a tie.

Sec. 4. The elections for municipal officers in the Town of Walkertown shall be conducted under the nonpartisan plurality method, and the results determined under G.S. 163-292. The elections shall be held and conducted by the Forsyth County Board of Elections, and except as otherwise provided herein, shall be held and conducted in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes.

Sec. 5. A regular municipal election shall be held on Tuesday after the first Monday in November, 1985, and every two years thereafter for the election of the Mayor and other Town Council members as hereinabove provided. Vacancies occurring for any reason in the Town Council shall be filled for the unexpired term by appointment by the majority vote of the remaining members of the council including the Mayor. A vacancy in the office of Mayor shall be filled for the unexpired term by appointment by majority vote of the remaining members of the Town Council.

Sec. 6. The initial members of the Town Council shall be those three persons presently serving as the Board of Commissioners of the Walkertown Sanitary District and two additional persons who shall be appointed by the three persons presently serving on the Board of Walkertown Sanitary District. They shall serve until their successors are elected and qualified pursuant to this act. They shall appoint one of their members as Mayor, who shall serve until his successor is elected under this act.

Sec. 7. On August 22, 1984, at 12:00 noon, the Walkertown Sanitary District shall cease to exist as a body politic and corporate, and the Town of Walkertown shall simultaneously be incorporated, and at that time all of the District's assets and liabilities shall be transferred to the Town of Walkertown as provided in G.S. 130A-81.

Sec. 8. The Walkertown Sanitary District shall take all actions necessary to effect this transfer of the assets and liabilities of the District to the Town of Walkertown by August 22, 1984, at 12:00 noon.

Sec. 9. From and after August 22, 1984, at 12:00 noon, the citizens and property in the Town of Walkertown shall be subject to municipal taxes levied for the fiscal year beginning August 22, 1984, and the Town shall obtain from the County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1984, and the businesses in the Town shall be liable for privilege license tax from the date of the privilege license tax ordinance.

Sec. 9.1. Notwithstanding the provisions of the general laws of North Carolina and any provisions of this act to the contrary, the Town Council may adopt a budget ordinance for the Town's first fiscal year extending from August 22, 1984, at 12:00 noon to June 30, 1985 (hereinafter referred to as 1984-85 fiscal year), following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. The Town Council may, not later than September 15, 1984, adopt an ad valorem tax on real and personal property for the 1984-85 fiscal year, and such taxes may be paid at par or face amount within the period of time from September 15, 1984, through January 6, 1985, and thereafter in accordance with the schedule in G.S. 105-360 as if such taxes had been due on September 1, 1984.

Sec. 9.2. Notwithstanding the provisions of the general laws of North Carolina and any provisions of this act to the contrary, if the Town Council shall adopt a 1984-85 budget ordinance which shall include an ad valorem tax on real and personal property for the 1984-85 fiscal year, then any ad valorem tax on real or personal property which shall have been adopted or levied by the Walkertown Sanitary District for fiscal year 1984-85 shall be null and void and shall not be collectible by the Town of Walkertown or any other corporate or governmental entity. If the Town Council shall adopt a 1984-85 budget ordinance which shall not include an ad valorem tax on real and personal property for the 1984-85 fiscal year, then any ad valorem tax on real or personal property which shall have been adopted or levied by the Walkertown Sanitary District for fiscal year 1984-85 shall be due and payable to the Town of Walkertown in accordance with Chapter 105 of the General Statutes as if the Town of Walkertown had adopted or levied such taxes.

Sec. 10. The current zoning ordinance in effect in Forsyth County shall remain in effect within the corporate limits of the Town of Walkertown until such time as the Town Council of the Town of Walkertown enacts a zoning ordinance pursuant to law. The Forsyth County Board of Commissioners shall have full authority to administer and enforce and shall administer and enforce the current ordinance or any amendment to said ordinance until such time that the Town Council shall enact a zoning ordinance pursuant to law.

Sec. 11. The organizational meeting of the Town Council of the Town of Walkertown shall be held on August 23, 1984, at 7:00 P.M.

Sec. 12. The Forsyth County Board of Elections shall call and conduct a referendum on the Tuesday after the second Monday in August, 1984, to submit to the qualified voters in the area described in Section 2 of this act the question whether such area shall be simultaneously dissolved as a sanitary district and incorporated as a municipal corporation known as the Town of Walkertown.

A registration of voters within the area shall be held in accordance with G.S. 163-288.2. The registration records shall be open for the period set out in G.S. 163-288.2. The referendum shall be conducted in accordance with G.S. 130A-81 and the provisions of this act.

If a majority of those voting in the referendum vote in favor of incorporating the Town of Walkertown and dissolving the Walkertown Sanitary District, then the Town of Walkertown shall be incorporated and the Walkertown Sanitary District shall be simultaneously dissolved on the date and time set forth in Section 7 of this act, and Sections 1 through 11 of this act shall be in full force and effect. If a majority of those voting in the referendum vote against incorporating the Town of Walkertown and dissolving the Walkertown Sanitary District, then Sections 1 through 11 of this act shall have no force and effect.

Sec. 13. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1984.

H. B. 1523

CHAPTER 937

AN ACT TO VALIDATE THE FAILURE OF CABARRUS COUNTY TO COLLECT A FIRE DISTRICT TAX IN THAT PORTION OF THE HARRISBURG FIRE PROTECTION DISTRICT LOCATED IN THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG.

The General Assembly of North Carolina enacts:

Section 1. The failure of Cabarrus County to collect property taxes for the Harrisburg Fire District in those parts of the corporate limits of the Town of Harrisburg that were within the original corporate limit is validated. Such tax shall be collected beginning with the tax levied for 1984.

Sec. 2. G.S. 69-25.15 shall not apply to the Town of Harrisburg.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1984.

H. B. 1520

CHAPTER 938

AN ACT TO REPEAL THE STATUTORY BAN ON THE SALE OF SPIRITOUS LIQUORS, INTOXICATING DRINKS, ALE, BEER, LAGER, PORTER, CIDER OR BITTERS IN THE TOWN OF SILER CITY.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of Chapter 88, Private Laws of 1887, is repealed.

Sec. 2. Section 9 of Chapter 208, Private Laws of 1899, is repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

H. B. 1480

CHAPTER 939

AN ACT TO EXEMPT CHEROKEE COUNTY FROM CERTAIN PROCEDURAL REQUIREMENTS ON DISPOSAL OF LAND AS AN INDUSTRIAL PARK.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 137 of the 1981 Session Laws, as amended by Chapter 405 of the 1983 Session Laws, is further amended by adding immediately before the word "Gaston," the word "Cherokee,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

H. B. 1492

CHAPTER 940

AN ACT TO ALLOW THE CITY OF STATESVILLE TO LEASE CERTAIN PROPERTY FOR A PERIOD OF TWENTY-FIVE YEARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-272 is amended by deleting "10 years" both places it appears and inserting in lieu thereof "25 years".

Sec. 2. This act applies only to a lease to the Arts and Science Museum, Inc., of the following described parcel of land, together with the buildings and improvements thereon:

BEGINNING at a point in the Northern margin of Interstate 40 in the dividing line of A. P. Steele Tract No. 2 and the property of the City of Statesville, and running thence North 4 deg. East approximately 280 feet to a point, a corner of Steele and the City of Statesville; thence continuing with the Steele line North 35 deg. 35 min. 5 sec. West 442.65 feet to a point, a corner of Steele and the City of Statesville; thence South 62 deg. 19 min. 35 sec. West 1,084.88 feet to a point; thence North 6 deg. 22 min. 05 sec. West 93.16 feet; thence North 1 deg. 19 min. West 35 sec. East 99 feet; thence North 37 deg. 19 min. 35 sec. East 264.05 feet; thence North 79 deg. 19 min. 35 sec. East 329.97 feet; thence North 52 deg. 19 min. 35 sec. East 181.50 feet; thence North 72 deg. 19 min. 35 sec. East 210.51 feet to a point in the corner of the Morrison and City of Statesville property; thence with the common dividing line of Morrison and the City of Statesville North 13 deg. 45 min. 25 sec. West 696.66 feet to a point in the Museum or Old Pump Station Road; thence South 87 deg. 53 min. 45 sec. East 782.24 feet to a point; thence North 77 deg. 59 min. 07 sec. East approximately 370 feet; thence South 4 deg. 38 min. 25 sec. West approximately 1,370.00 feet to a point in the Northern margin of Interstate 40 and thence running with the Northern margin of Interstate 40 in a Southwesterly direction approximately 500 feet to the BEGINNING, all according to a map prepared by E. B. Stafford, Consulting Engineer, dated February 22, 1963.

Sec. 3. This act applies to the City of Statesville only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

H. B. 1498

CHAPTER 941

AN ACT TO EXEMPT THE CITY OF WASHINGTON, BEAUFORT COUNTY FROM THE REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A OF THE GENERAL STATUTES IN CONNECTION WITH THE CONVEYANCE OF CERTAIN LAND TO THE GREATER WASHINGTON CHAMBER OF COMMERCE.

The General Assembly of North Carolina enacts:

Section 1. The City of Washington is exempt from all provisions, restrictions and limitations as to methods and procedures required to effectuate conveyances of real estate provided for in Article 12 of Chapter 160A of the General Statutes in connection with the conveyance by the City of Washington to The Greater Washington Chamber of Commerce, Inc., of a parcel of land located within the City of Washington, Beaufort County, North Carolina, and particularly described as follows:

BEGINNING at a nail a few feet westwardly of Harding Square and which said nail has North Carolina Grid coordinates of N - 657,485.60 and E - 2,578,240.10 and running thence N. 60°-30'40" W. 57.0 feet to a nail; thence S. 28°-21'-50" W. 50.0 feet to an iron pipe in the northeasterly edge of the right of way of Stewart Parkway; thence with the edge of said right of way S. 51°-41'-10" E. 57.85 feet to an iron pipe; thence N. 28°-21'50" E. 58.87 feet to the point of beginning, containing 3,102 square feet, more or less. The courses herein set out are based on the NC Grid System.

Sec. 2. This act is effective with respect to this conveyance only if the conveyance is given prior approval by a unanimous resolution of the City Council of the City of Washington. The conveyance may be without monetary consideration. It is the intent of this act that the conveyance may be negotiated and consummated without further formality other than the required unanimous resolution of the City Council of the City of Washington.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

H. B. 1501

CHAPTER 942

AN ACT TO PERMIT THE COUNTY OF PITT TO LEASE TO THE CHILDREN'S SERVICES OF EASTERN CAROLINA, INC., CERTAIN REAL PROPERTY NEAR THE GREENVILLE NURSING AND CONVALESCENT HOME AND A PORTION OF THE FORMER MOYE PROPERTY, NOW OWNED BY PITT COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The County of Pitt owns real property hereinafter described on which the Children's Services of Eastern Carolina, Inc., are desirous of erecting a home for parents of sick children who are patients at the Pitt County Memorial Hospital, so that said parents may be near their children while they are being treated or recuperating in the hospital. Said real property being described as follows:

Situate and lying in Pitt County, Greenville Township, and being a portion of former Moye property now owned by the County of Pitt.

BEGINNING at a point in the division line between the Greenville Nursing and Convalescent Home and the Pitt County property, said beginning point also being located in the northern right-of-way line of a 60 foot ingress and egress right-of-way, said beginning point is also the southeast corner of the Ira Hardy property, and is further described as being located South 61 degrees 30 minutes East, 157.35 feet from an iron marker, Ira Hardy's southwest corner, said point being located 7.5 feet east of the existing curb line of Moye Boulevard; and, running thence from said beginning point, Ira Hardy's southeast corner, an iron, North 28 degrees 30 minutes East with the said Ira Hardy property 295.16 feet to a point in the Ira Hardy line if said line were continued; thence, South 61 degrees 30 minutes East, across the Pitt County property 295.16 feet to a corner; thence, South 28 degrees 30 minutes West across Pitt County property 295.16 feet to a point in the northern right-of-way line of said 60 foot ingress and egress right-of-way; thence, North 61 degrees 30 minutes West, along the northern right-of-way line of said ingress and egress strip, 295.16 feet to the beginning point. Ira Hardy's southeast corner.

Sec. 2. The County of Pitt is authorized to enter into a lease with the Children's Services of Eastern Carolina, Inc., concerning the property described in Section 1 of this act without compliance with Article 12 of Chapter 160A of the General Statutes of North Carolina, and which lease may contain such terms and such provisions as shall be approved by the County Board of Commissioners, and which may include a term in excess of 10 years, provided the Board of County Commissioners of Pitt County determine that: (i) The Children's Services of Eastern Carolina, Inc., a nonprofit corporation, unconditionally agrees to erect on said land a building which will establish a short-term residence facility for children who are being treated for serious disabilities at Pitt County Memorial Hospital and the parents of said youthful patients receiving treatment at the Pitt County Memorial Hospital, title to which residence shall vest in Pitt County; (ii) That the Children's Services of Eastern Carolina, Inc., in the lease agrees to maintain and operate said home for and during the term of said lease, and (iii) That such lease is in the best interest of the County of Pitt. The property shall be leased pursuant to a resolution of the Board of County Commissioners authorizing the execution of the lease adopted at a regular meeting of the Board of County Commissioners upon 10 days' public notice. Notice shall be given by publication describing the property being leased or rented, stating the annual rental or lease payments, and announcing the Commissioners' intent to authorize the lease or rental at its next regular meeting.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

H. B. 1516

CHAPTER 943

AN ACT TO INCLUDE AN AREA WITHIN THE CORPORATE LIMITS OF THE TOWN OF MICRO.

The General Assembly of North Carolina enacts:

Section 1. In addition to the corporate limits of the Town of Micro, as now constituted, the corporate limits of the Town shall include the following described area:

BEGINNING at a concrete marker set at the point where the existing corporate limits of the Town of Micro intersects with the southern edge of the Atlantic Coastline Railroad right-of-way, thence running with said point of BEGINNING along said right-of-way North 70 degrees 21 minutes 22 seconds East 811.37 feet to an existing iron pipe located at the Northwest corner of Hubert Wheeler; thence with the Hubert Wheeler line South 08 degrees 01 minute 17 seconds West 789.70 feet to an existing iron pipe set in the northern line of Evelyn Manning; thence with the Evelyn Manning line North 83 degrees 30 minutes West 444.44 feet to the point where the existing corporate limits intersect with the Manning line; thence with the corporate limits North 19 degrees 38 minutes 38 seconds West 503.59 feet to a concrete monument, the point and place of beginning; being 8.45 acres, more or less, as shown on a map entitled "Town of Micro 1983 Annexation" said map being recorded in Map Book 24, page 295, Johnston County registry, and being a portion of the lands described in Book 919, page 542, Johnston County Registry.

Sec. 2. This act shall become effective June 30, 1984.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

S. B. 738

CHAPTER 944

AN ACT TO LEASE CERTAIN PROPERTY FOR A PERIOD OF NINETY-NINE YEARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-272, as made applicable to counties by incorporation in G.S. 153A-176, is amended by deleting the words "10 years" each time they appear and substituting the words "99 years".

Sec. 2. This act applies only to the lease to the Lincoln Cultural Development Center, Inc., of the property known as the South Aspen Street School property, together with the buildings and improvements on the property.

Sec. 3. This act applies to Lincoln County only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

S. B. 752

CHAPTER 945

AN ACT TO LIMIT THE POWER OF EMINENT DOMAIN WHICH MAY BE EXERCISED BY THE GASTONIA AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Section 8, subdivision 16 of Chapter 648 of the 1981 Session Laws is amended by adding immediately after the words "Chapter 63 of the General Statutes" the words ", except that the power of eminent domain may not be exercised on property outside the City of Gastonia without the approval of a majority of the county commissioners of the county in which the property is located by means of a resolution approved by that board of county commissioners".

Sec. 2. Section 10 of Chapter 648 of the 1981 Session Laws is amended by adding immediately after the words "by the General Statutes" the words ", except that the power of eminent domain may not be exercised on property outside the City of Gastonia without the approval of a majority of the county commissioners of the county in which the property is located by means of a resolution approved by that board of county commissioners".

Sec. 3. Section 15 of Chapter 648 of the 1981 Session Laws is amended by adding immediately after the words "in said Airport Authority" the words ", except that the power of eminent domain may not be exercised on property outside the City of Gastonia without the approval of a majority of the county commissioners of the county in which the property is located by means of a resolution approved by that board of county commissioners".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

S. B. 756

CHAPTER 946

AN ACT TO REGULATE ROAD HUNTING IN HENDERSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful for any person to hunt, take, or kill any animal or bird, on or from the right-of-way of any State Road in Henderson County west of U.S. Highway 280. It is also unlawful for any person to discharge a firearm on or from the right-of-way of any State Road in Henderson County west of U.S. Highway 280.

Sec. 2. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs and by other peace officers with general subject matter jurisdiction.

Sec. 3. Violation of this act is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment not to exceed 30 days, or both.

Sec. 4. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

S. B. 757

CHAPTER 947

AN ACT TO PERMIT DISPOSITION OF REDEVELOPED PROPERTIES BY THE CITY OF GOLDSBORO ON A BASIS OTHER THAN THE HIGHEST MONETARY BID WHERE SUCH DISPOSITION IS FOUND TO SERVE THE BEST INTEREST OF THE CITY AND TO DISPOSE OF THE PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 207, Session Laws of 1983 is amended by deleting "City of Kinston", and inserting in lieu thereof "Cities of Goldsboro and Kinston".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

S. B. 762

CHAPTER 948

AN ACT TO ALLOW THE DURHAM CITY BOARD OF EDUCATION TO PAY ITS TEN-MONTH EMPLOYEES ON OR BEFORE THE FIFTEENTH OF EACH MONTH.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Chapter 115C of the General Statutes, the Durham City Board of Education may pay employees who are employed on a ten-month basis on or before the fifteenth of each month during which they are employed.

Sec. 2. This act shall not be construed to authorize prepayment of any employees by the Durham City Board of Education.

Sec. 3. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 907

CHAPTER 949

AN ACT TO SET A CONVENING DATE FOR THE 1985 SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. The 1985 regular session of the Senate and House of Representatives shall be held beginning on the first Tuesday in February of 1985 at 12:00 o'clock noon.

Sec. 2. G.S. 120-11.1 shall not apply to the 1985 regular session.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1536

CHAPTER 950

AN ACT TO RAISE THE FORCE ACCOUNT CONSTRUCTION LIMIT FOR THE CITY OF LUMBERTON.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-135 is amended by deleting “seventy-five thousand dollars (\$75,000)” and inserting in lieu thereof “one hundred thousand dollars (\$100,000)”.

Sec. 2. This act applies to the City of Lumberton only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1541

CHAPTER 951

AN ACT PROVIDING FOR A REDUCTION IN PROPOSED WATER AND SEWER ASSESSMENTS IN THE CITY OF WASHINGTON.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any provision of any ordinance of the City of Washington, or any provision of Article 10 of Chapter 160A of the General Statutes, the City Council of the City of Washington may:

(1) Uniformly reduce by up to forty-six percent (46%) the amount of sewer and water assessments which it may fix under G.S. 160A-228; and

(2) Provide in the assessment resolution that, as to land which it classifies as undeveloped, the water and sewer assessments shall be held in abeyance without interest until improvements on the assessed property are actually connected to the water or sewer system, or until a date certain not more than 10 years from the date of confirmation of the assessment roll, whichever occurs first.

Sec. 2. The percentage reduction provided in subdivision 1(1) of this act may be greater for assessment to be paid in cash than for assessments to be paid in installments.

Sec. 3. This act is effective only with respect to:

(1) Assessment proceedings now pending in the City of Washington in which no confirmation has yet been made under G.S. 160A-228; and

(2) Assessment proceedings in which, prior to January 1, 1985, the City Council of the City of Washington shall adopt the preliminary resolution mentioned in G.S. 160A-223.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1543

CHAPTER 952

AN ACT CONCERNING THE TIME OF ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN OF THE WAKE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 9 of Chapter 717, Session Laws of 1975, is amended by deleting the word “The”, and inserting in lieu thereof “In June or July of each year, the”.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1552

CHAPTER 953

AN ACT TO AUTHORIZE MUNICIPALITIES WITHIN MECKLENBURG COUNTY TO ENTER INTO AGREEMENTS CONCERNING ANNEXATIONS.

The General Assembly of North Carolina enacts:

Section 1. It is the purpose of this act to authorize municipalities to enter into agreements concerning annexation in order to enhance planning by such municipalities as well as residents and property owners in areas adjacent to such municipalities.

Sec. 2. The words defined in this section shall have the meanings indicated when used in this act:

(a) "Annexation" means any extension of a municipality's corporate limits as authorized by Article 4A of Chapter 160A of the General Statutes, the charter of the municipality, or any local act applicable to the municipality, as such statutory authority exists now or is hereafter amended.

(b) "Agreement" means any written agreement authorized by this act.

(c) "Municipality" means any city as defined by G.S. 160A-1.

Sec. 3. Two or more municipalities may enter into agreements with each other in order to designate one or more areas which are not subject to annexation by one or more of the participating municipalities. The agreements shall be of reasonable duration, but not to exceed thirty (30) years, and shall be approved by resolution of the governing board and executed by the mayor of each municipality and spread upon its minutes

Sec. 4.

(a) The agreement shall:

(1) state the duration of the agreement.

(2) describe clearly the area or areas subject to the agreement. The boundaries of such area or areas may be established at such locations as the participating municipalities shall agree. Thereafter, any participating municipality may follow such boundaries in annexing any property, whether or not such boundaries follow roads or natural topographical features.

(3) specify one or more participating municipalities which may not annex the area or areas described in the agreement.

(4) state the effective date of the agreement.

(5) require each participating municipality which proposes any annexation to give written notice to the other participating municipality or municipalities of the annexation at least 60 days before the adoption of any annexation ordinance.

(6) include any other necessary or proper matter.

(b) The written notice required by subdivision (a)(5) above shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to: the area or areas described pursuant to subdivision (a)(2) of this section, roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.

Sec. 5. From and after the effective date of the agreement, no participating municipality may consider in any manner the annexation of any area in violation of this act or the agreement. From and after the effective date

of the agreement, no participating municipality may annex all or any portion of any area in violation of this act or the agreement.

Sec. 6. Nothing in this act shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.

Sec. 7.

(a) Each provision of the agreement shall be binding upon the parties thereto. A participating municipality which believes that another participating municipality is violating this act or the agreement may file a petition in the Superior Court of Mecklenburg County seeking review of the action of the municipality alleged to have violated this act or the agreement.

(b) Within five days after the petition is filed with the court, the petitioning municipality shall serve copies of the petition by certified mail, return receipt requested, upon the respondent municipality.

(c) Within 15 days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the respondent municipality shall transmit to the reviewing court:

(1) a transcript of the portions of the municipal journal or minute book in which the procedure for annexation has been set forth;

(2) a copy of any other document received or approved by the respondent municipality's governing board as part of the annexation.

(d) The court shall fix the date for review of the petition so that review shall be expeditious and without unnecessary delays. The review shall be conducted by the court without a jury. The court may hear oral arguments and receive written briefs, and may take evidence intended to show either:

(1) that the provisions of this act were not met; or

(2) that the provisions of the agreement were not met.

(e) Upon a finding that the respondent municipality has not violated this act or the agreement, the court may affirm the action of the respondent municipality without change. Upon a finding that the respondent municipality has violated this act or the agreement, the court may:

(1) remand to the respondent municipality's governing board any ordinance adopted pursuant to Parts 2 or 3, Article 4A of Chapter 160A of the General Statutes, as the same exists now or is hereafter amended, for amendment of the boundaries, or for such other action as is necessary, to conform to the provisions of this act and the agreement.

(2) declare any annexation begun pursuant to any other applicable law to be null and void.

If the respondent municipality shall fail to take action in accordance with the court's instructions upon remand under subdivision (e)(1) of this section within three months from receipt of such instructions, the annexation proceeding shall be deemed null and void.

(f) Any participating municipality which is a party to the review proceedings may appeal from the final judgment of the Superior Court under rules of procedure applicable in other civil cases. The appealing party may apply to Superior Court for a stay in its final determination, or a stay of the annexation ordinance, whichever shall be appropriate, pending the outcome of the appeal to the appellate division; provided, that the Superior Court may, with the agreement of the parties, permit annexation to be effective with respect to any part of the area concerning which no appeal is being made and

which can be incorporated into the respondent municipality without regard to any part of the area concerning which an appeal is being made.

(g) If part or all of the area annexed under the terms of a challenged annexation ordinance is the subject of an appeal to the Superior Court or appellate division on the effective date of the ordinance, then the ordinance shall be deemed amended to make the effective date with respect to such area the date of the final judgment of the Superior Court or appellate division, whichever is appropriate, or the date the respondent municipality's governing board completes action to make the ordinance conform to the court's instructions in the event of remand.

(h) This act does not authorize any court to stay any annexation proceeding, except as specifically set forth in subsections (f) and (g) of this section.

Sec. 8. This act shall apply only to municipalities located wholly or partly in Mecklenburg County.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1553 CHAPTER 954

AN ACT RELATING TO CHARLOTTE UPTOWN DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. Section 7.109(c) of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965 as amended by Chapter 55, Session Laws of 1981 is amended by deleting the words "by purchase" and inserting in lieu thereof "by any means".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1555 CHAPTER 955

AN ACT TO PROVIDE THAT AS TO THE CITY OF CHARLOTTE, MEMBERS OF THE CITY COUNCIL EXCUSED FROM VOTING SHALL NOT BE INCLUDED IN DETERMINING THE RESULTS OF A VOTE ON A ZONING PROTEST PETITION.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 160A-385 is amended by adding immediately before the period the words "not excused from voting."

Sec. 2. This act applies to the City of Charlotte only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1556**CHAPTER 956**

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE RELATING TO THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter V of Subchapter B, of the Charter of the City of Charlotte being Chapter 713, Session Laws of 1965, as amended by Chapter 92, Session Laws of 1971 is amended by deleting all references to the words "Civic Center" wherever they appear and replacing such references with the words "Convention Center".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1558**CHAPTER 957**

AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE MOORE COUNTY BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS AND TO CHANGE RESIDENCY REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 18B-700(a), the Moore County ABC Board shall consist of five members. The ABC Board shall be appointed by the County Commissioners. The three members currently serving on the board shall complete their three-year terms. To increase the size of the board from three to five, two new members shall be appointed July 1, 1984. One of these new members shall serve an initial term of two years, and the other shall serve an initial term of three years. Thereafter, the terms shall be three years.

Sec. 2. Four of the five members of the ABC Board shall reside within separate townships with an ABC store.

Sec. 3. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1560**CHAPTER 958**

AN ACT REGARDING DISCOUNTS FOR PAYMENTS OF PROPERTY TAX IN LINCOLN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 105-360(c), the governing body of Lincoln County or any of its municipalities may provide by resolution, without the approval of the Department of Revenue, that the schedule of discounts for prepayment of taxes in effect in the county or municipality on August 31, 1984, shall continue in effect until November 1, 1984. The governing body of Lincoln County or its municipalities shall send a certified copy of any resolution adopted pursuant to this act to the Department of Revenue.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1561

CHAPTER 959

AN ACT TO RAISE THE FORCE ACCOUNT CONSTRUCTION LIMIT FOR DUPLIN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-135 is amended by deleting “seventy-five thousand dollars (\$75,000)” and inserting in lieu thereof “three hundred thousand dollars (\$300,000)”.

Sec. 2. This act applies only to the renovation of the old Kenansville Elementary School into county office space.

Sec. 3. This act applies to Duplin County only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1562

CHAPTER 960

AN ACT TO ALLOW JONES COUNTY TO SELL CERTAIN PROPERTY AT PRIVATE SALE, AND TO RATIFY AN AGREEMENT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provision of Article 12 of Chapter 160A of the General Statutes, Jones County may sell and convey at private sale all or any of its right, title, and interest to a tract not exceeding 3.5 acres, located approximately 1/4 mile west of the town limits of Trenton bordered by N. C. Highway 58 (part of the Julian Warren farm) together with any structures, improvements, and machinery thereon, at a price not less than the cost to the county, less administrative costs. The county may, in lieu of cash as consideration, take a first lien deed of trust on the land and building and a first lien on the equipment and a note evidencing the indebtedness.

Sec. 2. The agreement dated May 11, 1984, between Jones County and Trenton Apparel Co., Inc., is validated.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1563

CHAPTER 961

AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section. 1. Chapter IV of the Charter of the Town of Chapel Hill, being Chapter 473, Session Laws of 1975, is amended by adding a new Article to read:

“Article 4.

“Economic Development Projects.

“Sec. 4.20. Definition. As used in this Article ‘economic development project’ means an economic capital development project within a certain defined area or areas of the Town as established by the Town Council, comprised of one or more buildings or other improvements and including any public and/or private facilities. Said project may include programs or facilities for improving

downtown development, 'pocket of poverty' or other federal or State assistance programs which the Town Council determines to be in need of economic capital development or revitalization and which qualify for capital assistance under applicable federal or State programs.

"Sec. 4.21. Authorization.

(a) In addition to any other authority granted by law, the Town of Chapel Hill may accept grants, expend funds, make grants or loans, acquire property and participate in capital economic development projects which the Town Council determines will enhance the economic development and revitalization of the Town in accordance with the authority granted by this Article. Such project may include public and/or private buildings or facilities, financed in whole or in part by federal or State grants (including but not limited to urban development action grants), and may include any capital expenditures which the Town Council finds necessary or desirable to complement the project and improve the public tax base and general economy of the Town. By way of illustration, but not limitation, such a project may include the construction or renovation of any one or combination of the following projects:

- (1) Privately owned hotel.
- (2) Privately owned office building.
- (3) Housing.
- (4) Parking facilities.

Such project may be partially financed with Town funds received from federal or State sources and being granted or loaned to the private owner for said construction or renovation; in addition, other Town funds from any sources may be used for acquisition, construction, leasing and/or operation of facilities by the Town for the general public and for capital improvements to public facilities which will support and enhance the private facilities and the general economy of the Town.

(b) When the Town Council finds that it will promote the economic development or revitalization in the Town, the Town may acquire, construct and operate or participate in the acquisition, construction, ownership and operation of an economic development project or of specific buildings or facilities within such a project and may comply with any State or federal government grant requirements in connection therewith. The Town may enter into binding contracts with one or more private parties or governmental units with respect to acquiring, constructing, owning or operating such a project. Such a contract may, among other provisions, specify the responsibilities of the Town and the developer or developers and operators or owners of the project, including the financing of the project. Such a contract may be entered into before the acquisition of any real property necessary to the project by the Town or the developer or other parties.

"Sec. 4.22. Property Acquisition. An economic development project may be constructed on property acquired by the developer or developers, or on property directly acquired by the Town, or on property acquired by the redevelopment commission while exercising the powers, duties and responsibilities pursuant to G.S. 160A-505.

"Sec. 4.23. Property Disposition. In connection with an economic development project, the Town may convey interests in property owned by it, including air rights over public facilities, as follows:

- (1) If the property was acquired under the urban redevelopment law, the property interests may be conveyed in accordance with that law.
- (2) If the property was acquired by the Town directly, the Town may convey property interests by any procedure set forth in this charter, or the general law or by private negotiation or sale.

"Sec. 4.24. Construction of the Project. A contract between the Town and the developer or developers may provide that the developer or developers shall be responsible for the construction of the entire economic development project. If so, the contract shall include such provisions as the Town Council deems sufficient to assure that any public facilities included in the project meet the needs of the Town and are constructed at a reasonable price. Any funds loaned by the Town pursuant to this paragraph to a private developer or developers and used by said developer or developers in the construction of a project hereunder on privately owned property shall not be deemed to be an expenditure of public money.

"Sec. 4.25. Operation. The Town may contract for the operation of any public facility or facilities included in an economic development project by a person, partnership, firm or corporation, public or private. In addition, the Town, upon consideration, may contract through lease or otherwise whereby it may operate privately constructed parking facilities to serve the general public. Such a contract shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the Town."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1602

CHAPTER 962

AN ACT TO PROVIDE THAT THE SHERIFF ISSUE LINCOLN COUNTY WEAPON PERMITS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1073 of the 1959 Session Laws is amended by deleting from Section 4 the word "Lincoln".

Sec. 2. Weapon permits in Lincoln County are issued by the sheriff of that county pursuant to Chapter 14, Article 52A of the General Statutes.

Sec. 3. All fees collected by the sheriff of Lincoln County for the issuance of such licenses or permits shall be placed in the county's general fund.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1604**CHAPTER 963**

AN ACT TO PROVIDE A FIXED PAY DATE FOR PUBLIC SCHOOL EMPLOYEES OF THE KANNAPOLIS CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Chapter 115C of the General Statutes, public school employees of the Kannapolis School Administrative Unit shall be paid on the last calendar day of each month. Nothing in this act shall have the effect of changing the rate of pay for any employee of that unit.

Sec. 2. This act shall not be construed to authorize prepayment of any employees of the Kannapolis School Administrative Unit.

Sec. 3. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1605**CHAPTER 964**

AN ACT TO ALLOW MEMBERS AND EMPLOYEES OF THE CHARLOTTE REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY IN A REDEVELOPMENT AREA FOR THEIR PRINCIPAL PLACE OF BUSINESS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-511 is amended by deleting the word "residential" the first two times it appears.

Sec. 2. G.S. 160A-511(1) and (3) are amended by inserting the words "or principal place of business" immediately following the word "residence".

Sec. 3. This act shall apply to the City of Charlotte only.

Sec. 4. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1608**CHAPTER 965**

AN ACT TO PERMIT ALLEGHANY COUNTY TO MATCH A GRANT UNDER THE PUBLIC WORKS ACT.

The General Assembly of North Carolina enacts:

Section 1.

(a) A county may appropriate funds as a grant to match federal funds under The Public Works and Economic Development Act of 1965, P.L. 89-136 as amended, provided that the county share may not exceed twenty-five percent (25%) of the total.

(b) In order to implement the federal grant, a county is authorized to establish a revolving fund to assist small businesses to create and retain jobs.

Sec. 2. This act applies to Alleghany County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1609**CHAPTER 966****AN ACT TO RESTORE EXTRATERRITORIAL ZONING AND PLANNING JURISDICTION TO THE TOWN OF HUNTERSVILLE.**

The General Assembly of North Carolina enacts:

Section 1. Chapter 860, 1971 Session Laws, is hereby amended by adding the following at the end of Section 12: "Provided that this section shall not apply to the Town of Huntersville."

Sec. 2. This act shall apply to the Town of Huntersville only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1616**CHAPTER 967****AN ACT TO MAKE UNAUTHORIZED WATER CONNECTIONS A CRIME IN DARE COUNTY.**

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-151.2. Unauthorized connections to water system.—(a) It shall be unlawful for any person other than an authorized agent or employee of the owner of a water system to connect to that water system any hose, pipe, or other apparatus for the purpose of an unauthorized withdrawal of water from that system.

(b) It shall be unlawful for any person other than an authorized agent or employee of the owner of a water system to tamper with a water hydrant or withdraw water from a water hydrant for any purpose not approved by the owner of the water system.

(c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor."

Sec. 2. This act applies to Dare County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 1617**CHAPTER 968****AN ACT TO PERMIT PERSONS TO ENGAGE IN BUSINESS AS PAWNBROKERS IN UNINCORPORATED AREAS OF DARE COUNTY.**

The General Assembly of North Carolina enacts:

Section 1. The last sentence of Section 4 of Chapter 1155, Session Laws of 1957, as amended by Chapter 382, Session Laws of 1983, is amended by adding immediately after the word "Pitt" the word "Dare,".

Sec. 2. Section 3 of Chapter 169, Session Laws of 1983, as amended by Chapter 382, Session Laws of 1983, is amended by adding immediately after the word "Pitt" the word "Dare,".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. B. 541

CHAPTER 969

AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR THE PURCHASE OF CONSERVATION TILLAGE EQUIPMENT FOR AGRICULTURE AND FORESTRY.

The General Assembly of North Carolina enacts:

Section 1. Division I of Article 4 of Chapter 105 of the General Statutes is amended by adding a new section to read as follows:

“§ 105-130.34. Credit for conservation tillage equipment.—(a) Any corporation that purchases conservation tillage equipment for use in a farming business, including tree farming, shall be allowed a credit against the tax imposed by this Division equal to twenty-five percent (25%) of the cost of the equipment. This credit may not exceed two thousand five hundred dollars (\$2,500) for any income year for any taxpayer. The credit may only be claimed by the first purchaser of the equipment and may not be claimed by a corporation that purchases the equipment for resale or for use outside this State. This credit may not exceed the amount of tax imposed by this Division for the taxable year reduced by the sum of all credits allowable under this Division, except tax payments made by or on behalf of the taxpayer. If the credit allowed by this section exceeds the tax imposed under this Division, the excess may be carried forward and applied to the tax imposed under this Division for the succeeding five years. The basis in any equipment for which a credit is allowed under this section shall be reduced by the amount of credit allowable.

(b) As used in this section, ‘conservation tillage equipment’ means:

- (1) a planter such as a planter commonly known as a ‘no-till’ planter designed to minimize disturbance of the soil in planting crops or trees, including equipment that may be attached to equipment already owned by the taxpayer; or,
- (2) equipment designed to minimize disturbance of the soil in reforestation site preparation, including equipment that may be attached to equipment already owned by the taxpayer; provided, however, this shall include only those items of equipment generally known as a ‘KG-Blade’, a ‘drum-chopper’, or a ‘V-Blade’.”

Sec. 2. Division II of Article 4 of Chapter 105 of the General Statutes is amended by adding a new section to read:

“§ 105-151.12. Credit for conservation tillage equipment.—(a) Any person who purchases conservation tillage equipment for use in a farming business, including tree farming, shall be allowed a credit against the tax imposed by this Division equal to twenty-five percent (25%) of the cost of the equipment. This credit may not exceed two thousand five hundred dollars (\$2,500) for any income year. The credit may only be claimed by the first purchaser of the equipment and may not be claimed by a person who purchases the equipment for resale or for use outside this State. This credit may not exceed the amount of tax imposed by this Division for the taxable year reduced by the sum of all credits allowable under this Division, except tax payments made by or on behalf of the taxpayer. If the credit allowed by this section exceeds the tax imposed under this Division, the excess may be carried forward and applied to the tax imposed under this Division for the succeeding five years. The basis in any

equipment for which a credit is allowed under this section shall be reduced by the amount of the credit allowable.

(b) As used in this section, 'conservation tillage equipment' means:

- (1) a planter such as a planter commonly known as a 'no-till' planter designed to minimize disturbance of the soil in planting crops or trees, including equipment that may be attached to equipment already owned by the taxpayer; or,
- (2) equipment designed to minimize disturbance of the soil in reforestation site preparation, including equipment that may be attached to equipment already owned by the taxpayer; provided, however, this shall include only those items of equipment generally known as a 'KG-Blade', a 'drum-chopper', or a 'V-Blade'.

(c) In the case of conservation tillage equipment owned jointly by a husband and wife, where both spouses are required to file North Carolina income tax returns, each spouse may claim one-half of the credit allowed by this section or one spouse may claim the entire credit allowed by this section by agreement with the other spouse, provided both spouses were living together at the end of the taxable year and file their separate returns for the taxable year on the combined form."

Sec. 3. This act is effective for taxable years beginning on and after January 1, 1984.

In the General Assembly read three times and ratified, this the 25th day of June, 1984.

S. B. 543

CHAPTER 970

AN ACT TO REGULATE ARCHITECTS AND ENGINEERS IN THEIR RELATIONS WITH CONTRACTORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 133-1.1(b) is rewritten to read:

"(b) On all projects requiring the services of an architect or engineer, or both, the architect or engineer, or both, whose names and seals appear on the plans and specifications shall conduct frequent and regular inspections or such inspections as required by the contract and shall issue a signed and sealed certificate of compliance to the awarding authority that:

- (1) the inspections of the construction, repairs, or installations have been conducted with the degree of care and professional skill and judgment ordinarily exercised by a member of that profession; and
- (2) to the best of his knowledge and in the professional opinion of the architect or engineer the contractor has fulfilled the obligations of such plans, specifications, and contract.

No certificate of compliance shall be issued until the architect and/or engineer is satisfied that the contractor has fulfilled the obligations of such plans, specifications, and contract."

Sec. 2. G.S. 87-13 is rewritten to read:

"Any person, firm, or corporation not being duly authorized who shall contract for or bid upon the construction of any of the projects or works enumerated in G.S. 87-1, without having first complied with the provisions hereof, or who shall attempt to practice general contracting in the State, except as provided for in this Article, and any person, firm, or corporation presenting

or attempting to file as his own the licensed certificate of another or who shall give false or forged evidence of any kind to the Board or to any member thereof in maintaining a certificate of license or who falsely shall impersonate another or who shall use an expired or revoked certificate of license, and any architect or engineer who recommends to any project owner the award of a contract to anyone not properly licensed under this Article, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than five hundred dollars (\$500.00) or imprisonment of three months, or both fine and imprisonment in the discretion of the court. And the Board may, in its discretion, use its funds to defray the expense, legal or otherwise, in the prosecution of any violations of this Article. No architect or engineer shall be guilty of a violation of this section if his recommendation to award a contract is made in reliance upon current written information received by him from the appropriate Contractor Licensing Board of this State which information erroneously indicates that the contractor being recommended for contract award is properly licensed."

Sec. 3. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 25th day of June, 1984.

H. B. 1496

CHAPTER 971

AN ACT TO MODIFY CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA STATE GOVERNMENT FOR THE 1984-85 FISCAL YEAR AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the State Budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act or this act, the savings shall revert to the appropriate fund at the end of the biennium.

An outline of the provisions of the act follows this section. The outline shows the heading "—CONTENTS/INDEX—" and it lists by general category the captions for the various sections and groups of sections that make up the act.

—CONTENTS/INDEX—

(This outline is designed for reference only, and it in no way limits, defines, or prescribes the scope or application of the text of the act.)

PART I—CURRENT OPERATIONS/GENERAL FUND

Sec. 2.

PART II—CAPITAL IMPROVEMENTS/GENERAL FUND

Sec. 3.

PART III.—SPECIAL PROVISIONS

Sec. 4.

Sec. 5.

Sec. 6.

Sec. 7.

Sec. 8.

PART I.—CURRENT OPERATIONS/GENERAL FUND

Sec. 2. The items and amounts appropriated from the General Fund for the 1984-85 fiscal year in the 1984-85 column of the schedule in Section 2 of Chapter 761 of the 1983 Session Laws are repealed, and appropriations from the General Fund for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the fiscal year ending June 30, 1985, according to the following schedule:

General Assembly	\$ 12,375,627
Judicial Department	90,825,560
Indigent Person's Attorney Fee	12,931,431
Department of The Governor	
01. Office of The Governor	1,690,212
02. Office of Citizens Affairs	660,884
03. Office of State Budget and Management	3,135,647
04. Executive Residences	296,928
05. Medical Student Loans	997,704
06. Housing Finance Agency	4,000,000
07. N.C. Housing Commission	100,000
08. Special Appropriations	2,510,000
Total Department of The Governor	13,391,375
Lieutenant Governor's Office	320,142
Department of Secretary of State	1,253,659
Department of State Auditor	8,386,640
Department of State Treasurer	2,528,901
Department of Public Education	
01. Program Administration and Support	20,375,818
02. Fiscal Administration and Support	1,585,834,471
Total Department of Public Education	1,606,210,289
Department of Justice	25,699,553
Department of Agriculture	24,103,615
Department of Labor	4,638,398
Department of Insurance	4,593,737
Department of Administration	34,138,334
Department of Transportation	
01. Public Transportation	1,340,000
02. Aeronautics	3,516,571
03. Aid to Railroads	100,000
Total Department of Transportation	4,956,571
Department of Natural Resources and Community Development	48,844,040
Department of Human Resources	
01. Alcoholic Rehabilitation Center - Black Mountain	2,551,215
02. Alcoholic Rehabilitation Center - Butner	1,941,554

03. Alcoholic Rehabilitation Center - Greenville	1,640,337
04. N.C. Special Care Center	3,090,033
05. Black Mountain Center	101,396
06. DHR - Administration and Support Program	16,540,475
07. Schools for the Deaf	12,030,692
08. Governor Morehead School	3,589,865
09. Division of Health Services	58,463,048
10. Lenox Baker Hospital	534,019
11. Social Services	66,196,515
12. Medical Assistance	197,311,576
13. Social Services - State Aid to Non-State Agencies	3,571,192
14. Division of Services for the Blind	5,176,049
15. Division of Mental Health - Administration	6,218,163
16. Division of Mental Health - Community Based Programs	84,591,205
17. Wright School	1,021,592
18. Dorothea Dix Hospital	23,858,481
19. Broughton Hospital	21,347,620
20. Cherry Hospital	20,805,180
21. John Umstead Hospital	19,232,417
22. Western Carolina Center	3,111,577
23. O'Berry Center	2,857,407
24. Murdoch Center	15,157,326
25. Caswell Center	12,238,360
26. Division of Facility Services	6,499,199
27. Division of Vocational Rehabilitation Services	17,601,578
28. Division of Youth Services	28,759,700
Total Department of Human Resources	636,037,771
Department of Correction	179,826,663
Department of Commerce	20,681,157
Reserve for Microelectronics Center of North Carolina	13,045,000
Department of Revenue	30,116,682
Department of Cultural Resources	25,363,599
Department of Crime Control and Public Safety	11,480,231
University of North Carolina - Board of Governors	
01. General Administration	9,266,570
02. University Operations - Lump Sum	39,623,999
03. Related Educational Programs	29,034,222
04. University of North Carolina	

at Chapel Hill	
a. Academic Affairs	78,304,348
b. Division of Health Affairs	55,950,061
c. Area Health Education Centers	20,575,128
05. North Carolina State University at Raleigh	
a. Academic Affairs	90,575,889
b. Agricultural Research Service	21,183,752
c. Agricultural Extension Service	16,435,256
06. University of North Carolina at Greensboro	30,976,513
07. University of North Carolina at Charlotte	25,907,291
08. University of North Carolina at Asheville	6,156,591
09. University of North Carolina at Wilmington	14,588,419
10. East Carolina University	63,524,266
11. North Carolina Agricultural and Technical State University	19,740,401
12. Western Carolina University	19,484,767
13. Appalachian State University	28,205,044
14. Pembroke State University	7,022,145
15. Winston-Salem State University	8,846,171
16. Elizabeth City State University	6,775,401
17. Fayetteville State University	8,340,643
18. North Carolina Central University	16,933,753
19. North Carolina School of the Arts	4,833,173
20. North Carolina Memorial Hospital	23,136,236
21. North Carolina Science and Math High School	3,618,353
Total University of North Carolina	649,038,392
Department of Community Colleges	225,739,083
State Board of Elections	231,440
Board of Contract Appeals	87,000
Contingency and Emergency	1,125,000
Reserve for Salary Adjustments	500,000
Reserve for Computer Rate Increase	200,000
Reserve for Electronic Data Processing Equipment	2,000,000
Reserve for University Biotechnology Programs	910,000
Reserve for Cost-of-Living Salary Increase	462,671,000
Reserve for Cost-of-Living Increase	

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for Retirees	9,083,100
Reserve for Cost-of-Living Increase-	
Local Government Employees	7,905,600
Reserve-Hospital-Medical Benefits,	
Retirees	18,458,000
Reserve for Pay Equity Study	650,000
Reserve for Museum of History	500,000
Reserve for the McCain Prison	
Medical Center	4,400,000
Debt Service - Interest	35,377,250
Debt Service - Redemption	40,700,000
GRAND TOTAL CURRENT OPERATIONS-	
GENERAL FUND	\$4,271,324,840
PART II.—CAPITAL IMPROVEMENTS/GENERAL FUND	

Sec. 3. The items and amounts appropriated for the 1984-85 fiscal year from the General Fund in the schedule in Section 4 of Chapter 757 of the 1983 Session Laws are reenacted, and additional appropriations are made from the General Fund for use by State institutions, departments and agencies to provide for capital improvement projects according to the following schedule:

Capital Improvements 1984-85

Community Colleges

01. Reserve for Construction	\$	20,000,000
University of North Carolina (Total)		59,470,000
a. School of Science and Mathematics/ Construction of Dormitory, Resident Advisor Apartments, and Infirmary		4,400,000
b. NCSU		
1. Cattle Research Facility/Butner		1,900,000
2. Turf Grass Research Laboratory		50,000
3. Addition to D. H. Hill Library		9,159,000
4. Fletcher Research Station		360,000
c. UNC-Asheville/Classroom Building		6,175,000
d. Pembroke State/University Center		6,242,000
	Total	6,242,000
	Receipts	2,300,000
	Appropriation	3,942,000
e. East Carolina/Classroom Building		14,635,000
f. UNC-Wilmington/Library Addition		7,611,000
g. Appalachian State/Industrial Arts Building Addition		4,128,000
h. Memorial Hospital/NMR Facility		800,000
i. Board of Governors		
1. Western Carolina/Reserve for Jackson County Board of Education for Vacating Camp Lab Building		5,000,000
2. Reserve for Advance Planning		1,310,000
Human Resources (Total)		1,420,000
01. Caswell/Chapel Construction		250,000
02. O'Berry/Chapel Construction		250,000
03. Western Carolina/Chapel Construction		250,000
04. Juvenile Evaluation Center/Grading		20,000

05. Dobbs School/Addition to Vocational Education Facility	650,000
Justice	
01. SBI/Storage Building	34,000
Correction	
01. Harnett Youth Center/Chapel Construction	50,000
Agriculture (Total)	787,500
01. Raleigh Farmers' Market/Construction of Farmers' Shed	167,500
02. Mountain Research Station/Waynesville Facility Development	145,000
03. Metrology Lab-Raleigh/Reserve for Bid Override on Construction	275,000
04. Horticultural Crops Research Station-Sampson County/Sweet Potato Facility	200,000
Natural Resources and Community Development (Total)	2,989,000
01. Wayne County/Park Development	100,000
02. Reserve for Civil Works Projects	2,074,000
03. Reserve for Watershed Projects	815,000
Administration	
01. Purchase of Amoco Building for the State Computer Center	7,700,000
Office of State Budget and Management (Total)	17,645,000
01. Reserve for Statewide Repairs and Renovations	15,000,000
02. Reserve for World War I, World War II, Korean War and Vietnam War Memorials	600,000
03. Reserve for Biotechnology Research Facilities	2,045,000
GRAND TOTAL-GENERAL FUND	110,095,500

PART III.—SPECIAL PROVISIONS

Sec. 4. (a) The State Board of Education shall develop a career growth program for teachers designed to give teachers increasing responsibility, recognition and pay as they gain experience and professional ability. The program shall provide a series of salary classifications based on an individual's initiative and desire to increase his professional abilities and his success in doing so. The program shall provide for annual methods of examination of teachers with peer participation in the review, opportunities to correct deficiencies, and dismissal of teachers who after ample opportunities cannot or will not perform. Peers participating in the review shall not live in the same local school administrative unit as the teacher reviewed. The State Board shall devise methods and instruments of evaluation that will determine what levels of performance, effort and ability and what accomplishments warrant different

salary classifications and at what point failure to rehire a nontenured teacher or dismissal or demotion of a tenured teacher is appropriate.

The State Board of Education shall also develop a career growth program for principals and other certified school administrators designed to give principals and other school administrators clear opportunities for advancement, recognition and increased pay if they demonstrate high effectiveness as instructional leaders and school managers. The program shall provide a series of salary classifications based on an individual's initiative and desire to increase his professional abilities and his success in doing so. The program shall provide for annual examinations by other administrators and the people he supervises, opportunities to correct deficiencies, and dismissal or reassignment of employees who after ample opportunity cannot or will not perform. The State Board shall devise methods and instruments of evaluation that will determine what levels of performance, effort and ability and what accomplishments warrant different salary classifications and at what point dismissal or reassignment of a principal or other administrator is appropriate.

(b) The State Board of Education shall submit to the Education Policy Council, on or before November 1, 1984, a preliminary report on the career growth pilot programs it has developed pursuant to subsection (a) of this section. No later than five days after the convening date of the 1985 General Assembly, the State Board shall submit a report for the approval of the General Assembly on the career growth pilot programs it has developed pursuant to subsection (a) of this section to the President of the Senate, the Speaker of the House, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the House, the Majority Leader of the Senate and the Chairmen of the Base and Expansion Appropriations Committees of the Senate and the House.

(c) The General Assembly finds that it is essential to attract and retain the best people in teaching and in school administration. A system that is perceived to offer low wages, lifetime contracts, little real evaluation and no extra pay for outstanding performance cannot do that; therefore, the General Assembly directs the State Board of Education to implement the programs it develops, as approved by the General Assembly, pursuant to subsection (a) of this section by July 1, 1986. Any statutes that would prevent the State Board from doing so are repealed to the extent they conflict with this section. It is the intent of the General Assembly to make all future salary increments to teachers and principals and other certified school administrators an integral part of the career growth programs; therefore, no funds for annual increments, cost-of-living increases, or other salary increments for teachers shall be appropriated for certificated personnel of the public schools until these pilot career development programs are implemented.

Sec. 5. The provisions of the Executive Budget Act, Chapter 143, Article 1, of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Sec. 6. Except where expressly repealed or amended by this act, the provisions of Chapters 757 and 761 of the 1983 Session Laws as amended remain in effect.

Sec. 7. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1983-85 fiscal biennium or for the 1984-85 fiscal year in Chapters 757 and 761 of 1983 Session Laws as amended that applied to

appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations of this act for those same particular purposes.

Sec. 8. Except as otherwise provided by this act, this act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 25th day of June, 1984.

H. B. 385

CHAPTER 972

AN ACT AUTHORIZING A COURT TO ORDER PROCUREMENT OF A PROPER LICENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1343(d) is amended by adding two new sentences between the first and second sentences to read:

“When a person has been convicted of hunting, trapping, or fishing without the proper license or licenses, the judge may order the purchase of the proper license or licenses in lieu of a fine. The proper license or licenses consist, at the minimum, of the least expensive annual statewide license, or combination of such licenses, listed in G.S. 113-270.2, 113-270.3, 113-270.5, 113-271, 113-272 and 113-272.2 that are required to engage lawfully in the specific activity or activities in which the defendant was engaged and constituting the basis of the offense of which he was convicted.”

Sec. 2. Further amend G.S. 15A-1343(d) by adding before the period the following additional language to the sixth sentence: “and the purchase of the proper license or licenses in lieu of a fine”.

Sec. 3. This act is effective October 1, 1983.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

S. B. 734

CHAPTER 973

AN ACT TO CREATE THE NORTH CAROLINA HAZARDOUS WASTE TREATMENT COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Article 10 of Chapter 143B of the General Statutes is amended by adding a new Part 12 to read:

“PART 12.

“North Carolina Hazardous Waste Treatment Commission.

“§ 143B-470. Declaration of findings.—The General Assembly of North Carolina hereby finds and declares that the safe management of hazardous waste, and particularly the timely establishment of adequate facilities for the disposal and management of hazardous waste, is one of the most urgent problems facing North Carolina. The safe management and disposal of hazardous wastes are essential to continued economic growth and for protection of the public health and safety and the environment. Consequently, cooperation and coordination among the private sector, the general public and State and local agencies to assure the prevention of unnecessary waste and the establishment of a comprehensive and integrated system of adequate treatment and disposal facilities are essential.

The General Assembly of North Carolina finds and declares that prevention, recycling, detoxification and reduction of hazardous wastes should be encouraged and promoted. These are alternatives which ultimately remove such wastes' hazards to human health and the environment. When these alternatives are not technologically or economically feasible, long-term retrievable storage is preferable to other means of disposal until appropriate methods for recycling or detoxification of the stored wastes are found. Hazardous waste shall be treated prior to disposal or long-term storage in North Carolina. Long-term storage or disposal shall be used for the storage or disposal of the residual or ashes of hazardous waste which has been treated so that the toxicity is low enough to present no significant health or safety hazard in the event of leakage from the facility. Hazardous waste that cannot be reduced, stabilized or destroyed to the extent which renders it sufficiently low in toxicity as to present no significant health or safety hazard shall be stored in long-term retrievable storage until such methods are found. Hazardous waste in long-term retrievable storage shall be detoxified as soon as the Commission for Health Services determines, based upon a preponderance of the evidence, that the technology is available at a reasonable cost. Hazardous waste landfill facilities and polychlorinated biphenyl landfill facilities shall be detoxified as soon as economically feasible technology is available and sufficient money is available without additional appropriation. The General Assembly further finds that hazardous wastes shall be treated and disposed of in the most cost-effective manner while protecting public health and safety and the environment.

“§ 143B-470.1. Declaration of purposes.—It is the purpose of this Part to provide for the siting, construction and operation of comprehensive hazardous waste management facilities to the end that hazardous waste may be treated or disposed of in the most cost-effective manner, while protecting public health and safety and the environment. It is also the purpose of the General Assembly to create a Commission to site, finance, build, lease or operate, or oversee a hazardous waste treatment facility if private enterprise fails to do so within a specified time. It is also the purpose of the General Assembly through powers granted to the Governor's Waste Management Board to place limitations upon the exercise by all units of local government in North Carolina of the power to regulate the management of hazardous waste by means of special local or private acts or resolutions, ordinances, property restrictions, zoning laws, rules and regulations, fire laws, rules and regulations, civil defense laws, rules and regulations, public health laws, rules and regulations, building codes, and otherwise.

“§ 143B-470.2. Definitions.—Unless the context otherwise requires, the following definitions shall apply to this Part:

(1) 'Federal act' means the Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended; codified in Chapter 82 of Title 42 of the United States Code, as amended.

(2) 'Hazardous waste' means a solid waste, or combination of solid wastes, as solid waste is defined in G.S. 130A-290(18), which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(3) 'Hazardous waste treatment facility' means a facility which is established, constructed, financed, sited and operated in accordance with this Part for the recovery, recycling, treatment, storage during collection and prior to treatment, short term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which facility includes several of the following equipments and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate 'reuse' or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

(4) 'Hazardous waste generation' means the act or process of producing hazardous waste.

(5) 'Hazardous waste long-term storage facility' means any facility or any portion of a facility constructed pursuant to the rules adopted under this Part for storage of the residuals of the treatment of hazardous waste, on or in land.

(6) 'Hazardous waste management' means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

(7) 'Long-term retrievable storage' means storage in closed containers in facilities (either above or below ground) with (i) adequate lights, (ii) impervious cement floors, (iii) strong visible shelves or platforms, (iv) passageways to allow inspection at any time, (v) adequate ventilation if underground or in closed buildings, (vi) protection from the weather, (vii) accessible to monitoring with signs on both individual containers and sections of storage facilities, and (viii) adequate safety and security precautions for facility personnel, inspectors and invited or permitted members of the community.

(8) 'Manifest' means the form used for identifying the quantity, composition, origin, routing and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment or storage.

(9) 'Notice' shall include any written notice made in accordance with the provisions of G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure, or any notice provision under this Article or the federal act.

(10) 'Operated' includes any phase of the planning, application, siting, financing, construction, operating and maintaining of the hazardous waste treatment facility.

(11) 'Person' means an individual, corporation, company, association, partnership, unit of local government, State agency, federal agency, or other legal entity.

(12) 'Recycling' means the process by which recovered resources are transformed into new products so that the original products lose their identity.

(13) 'Reuse' means a process by which resources are reused or rendered usable.

(14) 'Surface impoundment' or 'impoundment' means a facility or part of a facility which is a natural topographic depression, man-made excavation, or

diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of hazardous waste(s) containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds and lagoons.

(15) 'Treatment' means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character, form or composition of any solid waste so as to neutralize the waste or to render the waste nonhazardous or less hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. The term includes any activity or processing designed to change the physical form or chemical composition of solid waste to render it nonhazardous.

(16) 'Treatment Commission' means the North Carolina Hazardous Waste Treatment Commission created by this Part.

(17) 'Unit of local government' means a county, city, town or incorporated village.

"§ 143B-470.3. Creation of Commission.—Membership, appointment, terms and vacancies, officers, meetings and quorum, compensation.

The North Carolina Hazardous Waste Treatment Commission is created. It shall be governed by a board composed of nine members herein referred to as the Treatment Commission. Members of the General Assembly shall be ineligible for appointment to membership on the Treatment Commission. The Governor shall appoint three members of the Treatment Commission, and the General Assembly shall appoint six members of the Treatment Commission.

The initial appointments by the Governor shall be made on or after January 31, 1985, one term to expire January 31, 1989, and two terms to expire January 31, 1987. Thereafter, at the expiration of each stipulated term of office all appointments made by the Governor shall be for a term of four years. The members of the Treatment Commission appointed by the Governor shall be selected from the State at large and insofar as practicable shall represent each geographic section of the State and the industrial and environmental interests of the State. Any vacancy occurring in the membership of the Treatment Commission appointed by the Governor shall be filled by the Governor for the unexpired term. The Governor shall have the authority to remove any member appointed by the Governor.

The General Assembly shall appoint three persons to serve terms expiring January 31, 1987. The General Assembly shall appoint three persons to serve terms expiring January 31, 1989. Successors shall serve for four-year terms. Of the three persons whose terms are to expire in 1987, two shall be appointed upon the recommendation of the President of the Senate and one shall be appointed upon the recommendation of the Speaker. Of the three persons whose terms are to expire in 1989, two shall be appointed upon the recommendation of the Speaker and one shall be appointed upon the recommendation of the President of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. The members of the Treatment Commission appointed by the General Assembly shall be selected from the State at large and insofar as practicable shall represent each geographic section of the State and the industrial and environmental interests of the State. The General Assembly shall have the authority to remove any

member appointed by the General Assembly. No member shall serve more than two consecutive four-year terms.

The Governor shall appoint from the members of the Treatment Commission the Chairman and Vice-Chairman of the Treatment Commission. The Secretary of Commerce or his designee shall serve as secretary of the Treatment Commission. The members of the Treatment Commission shall appoint a treasurer of the Treatment Commission. The Department of Commerce shall use funds already appropriated to the Department to implement this Part.

Should any one of the appointing authorities fail to make appointments by March 1, 1985, or in the event that the Chairman and Vice-Chairman of the Commission are not appointed by that date, the Treatment Commission shall proceed to elect officers and begin operation.

The Treatment Commission shall meet once in each 60 days at such regular meeting time as the Treatment Commission by rule may provide and at any place within the State as the Treatment Commission may provide, and shall also meet upon the call of its chairman or a majority of its members. A majority of its members shall constitute a quorum for the transaction of business. The members of the Treatment Commission shall not be entitled to compensation for their services, but they shall receive per diem and necessary travel and subsistence expense in accordance with G.S. 138-5.

“§ 143B-470.4. Powers and duties of the Treatment Commission.—(a) To carry out the purposes of this Part, the Treatment Commission:

- (1) May exercise the powers of a body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same as may be deemed expedient;
- (2) May make all necessary contracts and arrangements with other authorities of this and other states for any other purposes of the Treatment Commission;
- (3) May rent, lease, buy, own, acquire, mortgage, or otherwise encumber, and dispose of real or personal property;
- (4) Shall establish an office for the transaction of its business at such place or places as, in the opinion of the Treatment Commission, shall be advisable or necessary in carrying out the purposes of this Part;
- (5) May create and operate any divisions it deems necessary or useful;
- (6) May pay all costs of the formation and organization of the Treatment Commission, and incident to its administration and operation, and may pay all other costs necessary in carrying out and accomplishing the purposes of this Part;
- (7) May apply for, accept and expend loans and grants of money from any federal agency or the State or any political subdivision thereof or from any public or private sources available for any of the purposes authorized in this Part, and to give any evidences of indebtedness as may be required. No indebtedness of any kind incurred or created by the Treatment Commission shall constitute an indebtedness of the State or any of its political subdivisions, and no such indebtedness shall involve or be secured by the faith, credit or taxing power of the State or any of its political subdivision. At no time may the total outstanding indebtedness of the Treatment Commission, excluding bond indebtedness, exceed a total of five hundred thousand dollars (\$500,000)

without approval of the Governor, after receiving the advice of the Advisory Budget Commission;

- (8) May appoint an Executive Director, who shall report to the Treatment Commission and serve at the pleasure of the Treatment Commission. The Executive Director with the approval of the Treatment Commission shall appoint such management personnel as he deems necessary to serve at his pleasure. They shall report to the Executive Director. The salaries of these personnel shall be fixed by the Governor with the approval of the Advisory Budget Commission. The Executive Director or his designee shall appoint, employ, dismiss and, within the limits of available funding, fix the compensation of such other employees as he deems necessary to carry out the purposes of this Part. There shall be an executive committee consisting of the chairman of the Treatment Commission and two other members elected annually by the Treatment Commission. The executive committee shall be vested with the authority to do all acts which are authorized by the bylaws of the Treatment Commission. Members of the executive committee shall serve until their successors are elected;
- (9) May act as agent for the United States of America, or any of its agencies, departments, corporations, or instrumentalities, in any matter coming within the purposes or powers of the Treatment Commission;
- (10) May, pursuant to Article 2 of Chapter 150A of the General Statutes, adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, and may provide for the appointment of any committees, and the functions thereof;
- (11) May do anything necessary to accomplish the purposes of this Part.

The property of the Treatment Commission shall not be subject to any taxes or assessments.

(b) If no permit to operate a hazardous waste treatment facility has been issued to a private operator by June 1, 1985, the Treatment Commission shall actively seek communities interested in hosting hazardous waste treatment facilities and private operators of hazardous waste treatment facilities and shall present appropriate sites, as prescribed in G.S. 130A-294(g), to those operators. If no permit to operate a hazardous waste treatment facility has been issued to a private operator by January 1, 1986, the Treatment Commission shall, on the basis of the criteria and procedures outlined in G.S. 130A-294(g), select appropriate site(s) and begin proceedings to purchase or if necessary condemn property for such site(s) under the State's power of eminent domain. Condemnation shall be upon the same terms and procedures as set forth in Article 9 of Chapter 136 of the General Statutes of North Carolina, except that the Treatment Commission shall have the same rights, duties, and responsibilities as set forth for the North Carolina Department of Transportation. The purposes for which the power of eminent domain is used in this section are to enable a hazardous waste treatment facility to be built which will manage hazardous waste generated by the public or by private industry in making goods for the benefit of the public, and are, therefore, public purposes for these and related purposes. The Treatment Commission shall then actively seek private operators of hazardous waste treatment facilities and shall contract with at least one operator to purchase the site and construct a hazardous waste

treatment facility. If no permit to operate a hazardous waste treatment facility has been issued by June 1, 1986, the Treatment Commission shall submit to the General Assembly plans for construction of a facility on one of the sites and shall proceed to begin construction of a facility within one year and shall seek a private operator to operate the facility. If no private operator can be found, the Treatment Commission shall operate the facility.

(c) The Treatment Commission shall submit to the General Assembly by May 1, 1985, a comprehensive plan for the treatment of hazardous waste in North Carolina, including a plan to provide for a statewide hazardous waste collection system. The Governor's Waste Management Board, the Solid and Hazardous Waste Branch of the Division of Health Services of the Department of Human Resources, and other State agencies and departments shall cooperate with the Treatment Commission in preparation of the plan. If the Treatment Commission, in its report to the General Assembly, indicates that the needs of the State for treatment of hazardous waste are being met, the Treatment Commission shall cease to exist as of October 1, 1985. If not, the Treatment Commission shall report periodically to the General Assembly or, if the General Assembly is not in session, to the Joint Legislative Commission on Governmental Operations, on progress toward meeting the State's needs.

“§ 143B-470.5. Issuance of bonds and notes.—(a) As a means of raising the funds needed from time to time for the acquisition, construction, equipment, maintenance or operation of any facility, building, structure or any other matter or thing which the Treatment Commission is authorized to acquire, construct, equip, maintain, or operate, all or any of them, including authorized special user projects, the Treatment Commission may borrow money and in evidence thereof may issue bonds, notes and other obligations of the Treatment Commission as provided in the Local Government Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes. Bonds, notes and other obligations may also be issued to (i) establish any reserves the Treatment Commission may determine to be desirable including, without limitation, a debt service reserve fund, and (ii) provide for interest during the estimated period of construction and for a reasonable period thereafter and (iii) provide for working capital.

(b) Any obligations issued by the Treatment Commission under the provisions of this Part, their transfer and the income therefrom (including any profit made on the sale of them), shall at all times be free from taxation by the State or any local unit or political subdivision or other instrumentality of the State, except inheritance or gift taxes.”

Sec. 2. G.S. 130A-290 is amended by adding six additional definitions to read:

“(1a) ‘Comprehensive hazardous waste treatment facility’ means a facility designated as such by the Governor's Waste Management Board, meeting the following criteria:

- a. It is a commercial facility that accepts hazardous waste from the general public for treatment;
- b. It has the capacity and capability to treat and dispose of hazardous waste on at least an intrastate regional basis; and
- c. Its location will substantially facilitate treatment of hazardous waste for the State of North Carolina.

(7a) 'Hazardous waste long-term storage facility' means a facility as defined in G.S. 143B-470.2(5).

(7b) 'Hazardous waste treatment facility' means a facility as defined in G.S. 143B-470.2(3).

(8a) 'Landfill' means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

(8b) 'Long-term retrievable storage' means storage in closed containers in facilities (either above or below ground) with (i) adequate lights, (ii) impervious cement floors, (iii) strong visible shelves or platforms, (iv) passageways to allow inspection at any time, (v) adequate ventilation if underground or in closed buildings, (vi) protection from the weather, (vii) accessible to monitoring with signs on both individual containers and sections of storage facilities, and (viii) adequate safety and security precautions for facility personnel, inspectors and invited or permitted members of the community.

(12a) 'Reuse' means a process by which resources are reused or rendered usable."

Sec. 3. The first sentence of G.S. 130A-293(a) is amended by deleting the words "and the Governor have" and substituting the word "has".

Sec. 4. G.S. 130A-293(b) is rewritten to read:

"(b) When a hazardous waste facility would be prevented from construction or operation by a county, municipal or other local ordinance(s), the developer or operator of the facility or the Hazardous Waste Treatment Commission may petition the Governor's Waste Management Board to review the matter. After receipt of a petition, the Board shall hold a hearing in accordance with the procedures in subsection (c) of this section and shall either approve or disapprove the establishment and operation of the facility. If the Board makes the four findings set forth below, the Board shall approve the establishment of the facility. If the Board does not make all of the four findings set forth below, the Board shall disapprove the establishment or operation of the facility. The decision of the Board shall be final unless a party to the action shall, pursuant to G.S. 7A-29, file a written appeal within 30 days of the date of the decision. The record on appeal shall include all materials and information submitted to or considered by the Board in accordance with subsection (c) of this section. The scope of judicial review shall be limited to questions of abuse of discretion. Before approving the facility, the Board must make the following findings:

- (1) That the proposed facility is needed in order to establish adequate capability for the management of hazardous waste generated in this State and serves the interest of the citizens of the State as a whole;
- (2) That all legally required State and federal permits or approvals have been issued by the appropriate State and federal agencies or that all State and federal permit requirements have been satisfied and that the permits or approvals have been denied or withheld only because of the local ordinance(s);
- (3) That local citizens and elected officials have had adequate opportunity to participate in the siting process; and
- (4) That the construction and operation of the facility will not pose an unreasonable health or environmental risk to the surrounding locality and that the facility developer or operator has taken or consented to

take any reasonable measures to avoid or manage foreseeable risks and to comply to the maximum feasible extent with applicable ordinance(s).

The record for appeal shall include the Board's written decision, a complete transcript of the hearing, all written material presented to the Board regarding the site location and the specific findings required in this subsection and any minority positions on the recommendation and the specific findings required in this subsection. The Board's decision shall be in writing and shall identify the material submitted to the Board plus any additional materials used in arriving at the decision."

Sec. 5. G.S. 130A-293(c) is amended by rewriting the seventh sentence to read: "No later than 60 days after the hearing, the Board shall approve or disapprove the facility." and by deleting the remainder of the subsection.

Sec. 6. G.S. 130A-294(f) is amended by adding the following new paragraphs at the end of the subsection to read:

"Within 180 days after receiving a complete application for a permit or for an amendment to an existing permit for a comprehensive hazardous waste treatment facility, the Department shall approve or disapprove the application. In acting upon the application, the Department shall consider land use, zoning, buffer zones, utility availability, proximity to sources of waste, civil defense, fire safety, transportation and access, existing road network, general considerations of the public's health and safety, and any other objective factors reasonably related and relevant to the proper siting and operation of the comprehensive hazardous waste treatment facility. The Department may impose action responding to these factors as a condition in the permit. If the Department disapproves the application, the disapproval shall set forth specifically the reasons for the denial and the applicant shall have the right to appeal the disapproval."

Sec. 7. G.S. 130A-294 is amended by adding the following additional subsections:

"(g) The Commission shall develop and adopt criteria and standards to be considered in location and permitting of a hazardous waste facility by January 31, 1985. The standards and criteria shall be developed through public participation, shall be enforced by the Department and shall include, in addition to all applicable State and federal rules and regulations, consideration of:

- (1) Acceptability within the community where the facility is to be located or steps which should be taken if community acceptance is not forthcoming;
- (2) Hydrological and geological factors such as flood plains, depth to water table, groundwater travel time, proximity to public water supply watersheds, soil pH, soil cation exchange capacity, soil composition and permeability, cavernous bedrock, seismic activity, slope, mines and climate;
- (3) Natural resources such as wetlands, endangered species habitats, proximity to parks, forests, wilderness areas and historical sites, and air quality;
- (4) Local land use whether residential, industrial, commercial, recreational, agricultural, and proximity to incompatible structures such as schools and airports;

- (5) Transportation factors, such as proximity to waste generators and to population, route safety and method of transportation; and
 - (6) Aesthetic factors such as the visibility, appearance and noise level of the facility.
- (h) Rules adopted by the Commission shall be subject to the following requirements:
- (1) No hazardous waste landfill shall be established until at least one comprehensive hazardous waste treatment facility is fully operational in North Carolina.
 - (2) Hazardous waste shall be treated prior to disposal in North Carolina. Long-term storage or disposal shall be used for the storage or disposal of the residual or ashes of hazardous waste which has been treated so the toxicity is low enough to present no significant health or safety hazard in the event of leakage from the facility. Hazardous waste that cannot be reduced, stabilized or destroyed to the extent which renders it sufficiently low in toxicity as to present no significant health or safety hazard in the event of leakage shall be stored in long-term retrievable storage until such methods are found. Hazardous waste in long-term retrievable storage shall be detoxified as soon as the Commission for Health Services determines based upon a preponderance of the evidence that the technology is available at a reasonable cost. The Commission shall determine the extent of waste treatment required before hazardous waste can be disposed of in a hazardous waste landfill facility.
 - (3) Any hazardous waste landfill facility hereafter constructed in this State shall meet, at the minimum, the standards of construction imposed by federal regulations adopted under the Federal Act at the time the permit is issued.
 - (4) No hazardous waste landfill facility or polychlorinated biphenyl landfill facility shall be located within 25 miles of any other hazardous waste landfill facility or polychlorinated biphenyl landfill facility.
 - (5) No hazardous waste landfill facility or polychlorinated biphenyl landfill facility shall be permitted within 25 miles of a comprehensive hazardous waste treatment facility as defined in G.S. 130A-290(1a).
 - (6) The following will not be disposed of in a hazardous waste landfill or long-term retrievable storage: ignitables as defined in the Federal Act, polyhalogenated biphenyls of 50 ppm or greater concentration and free liquids whether or not containerized.
 - (7) The underground storage of either a hazardous waste landfill or long-term storage facility shall have at a minimum the following: a leachate collection and removal system above an artificial impervious liner of at least 30 mils in thickness, a minimum of five feet of clay or clay-like liner with a maximum permeability of 1.0×10^{-7} centimeters per second (cm/sec) below said artificial liner, and a leachate detection system immediately below the clay or clay-like liner.
 - (8) Hazardous waste shall not be stored at a hazardous waste treatment facility for over 90 days prior to treatment or disposal.
 - (9) The Commission shall consider any hazardous waste treatment process proposed to it, if the process lessens treatment cost or improves treatment over then current methods or standards required by the Commission.

(i) The Department shall submit to the General Assembly by February 1, 1985, plans:

- (1) to monitor and regulate all generators of more than 100 kilograms per month of hazardous waste; and
- (2) to locate, catalogue and monitor all existing hazardous waste impoundments and surface impoundments, including inactive hazardous waste disposal sites and 'orphan dumps', including those owned or operated by units of State and local government, and shall submit to the General Assembly by February 1, 1985, a plan to bring all of these under legal requirements in effect on February 1, 1985, including a timetable for compliance. This plan shall include recordation of each of these sites in the office of the Register of Deeds in the county where it is located."

Sec. 8. G.S. 130A-295 is amended by designating the present language as subsection (a) and adding new subsections (b) and (c) to read:

"(b) The operator shall deposit in trust with the city or county government one half of one percent (0.5%) of the income of the comprehensive hazardous waste treatment facility, payable within 30 days of each calendar quarter, until the total shall equal an amount of two hundred fifty thousand dollars (\$250,000). As used herein, income means gross operating revenues less refunds, rebates and allowances. This fund shall be available to the city or county in which the comprehensive hazardous waste treatment facility is located for the purpose of defraying the cost of any cleanup which might be required at the comprehensive hazardous waste treatment facility. The city or county may, in its discretion, use up to fifty thousand dollars (\$50,000) of this total to establish an Emergency Response Team, trained and equipped to handle hazardous waste spills and to respond to accidents at hazardous waste treatment facilities. Financial records shall be subject to the audit of the local government for two years after any fee is paid. Any errors in the payment shall be corrected by credit or debit in the next payment or payments by the operator of the hazardous waste facility. If the North Carolina Hazardous Waste Treatment Commission owns and operates the facility, the North Carolina Hazardous Waste Treatment Commission, consistent with the resources available, shall compensate the local government for expenses incurred due to location of the facility. This compensation shall not exceed the amount of ad valorem tax revenues the local government would have received if the facility were privately owned. Nothing herein shall be construed to limit in any way funds which might be available to local government from other sources.

(c) Although no one is required to use a comprehensive hazardous waste treatment facility, use by North Carolina industry shall be encouraged. Nothing in this act shall be construed to prevent any hazardous waste or other waste generated or located in North Carolina from being removed from the State for disposal, treatment or storage."

Sec. 9. G.S. 143B-216.13 is amended by adding at the end of subdivision (7) the following:

"The Board shall provide a report to the General Assembly by February 1, 1985, to include:

- a. an analysis of the size, type and number of hazardous waste facilities needed in North Carolina and a plan to meet these needs;

- b. an analysis of the system of collection of hazardous waste in North Carolina, recommendations as to how that system might be improved and a plan to implement these recommendations; and
- c. an analysis of the cost incurred by local government because of the presence of a hazardous waste facility, a hazardous waste landfill facility or a comprehensive hazardous waste treatment facility.”

and by adding a new subdivision to read:

“(17) The Board shall certify comprehensive hazardous waste treatment facilities which meet the criteria prescribed in G.S. 130A-290(1a).”

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

S. B. 766

CHAPTER 974

AN ACT TO RENAME STATE HIGHWAY 704 AS THE “WESLEY D. WEBSTER HIGHWAY”.

The General Assembly of North Carolina enacts:

Section 1. Chapter 136 of the General Statutes is amended by adding a new section to read:

“§ 136-18.5. Wesley D. Webster Highway.—State Highway 704 shall be known as the ‘Wesley D. Webster Highway’.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1500

CHAPTER 975

AN ACT TO CREATE A PUBLIC EMPLOYEE SUPPLEMENTAL INCOME RETIREMENT PLAN.

The General Assembly of North Carolina enacts:

Section 1. Chapter 135 of the General Statutes is amended by adding a new Article to read:

“Article 5.

“Supplemental Retirement Income Act of 1984.

“§ 135-90. Short title and purpose.—(a) This Article shall be known and may be cited as the ‘Supplemental Retirement Income Act of 1984’.

(b) The purpose of the Article is to attract and hold qualified employees and officials of the State of North Carolina and its political subdivisions by permitting them to participate in a profit sharing or salary reduction form of deferred compensation which will provide supplemental retirement income payments upon retirement, disability, termination, hardship, and death as allowed under Section 401(k), or any other relevant section, of the Internal Revenue Code of 1954 as amended. As used in this Article, the term ‘profit’ means the excess revenue over expenditures prior to the expenditure of the amount which may be optionally made available for employees to be placed in trust by the State and its political subdivisions on behalf of the employees and officials covered by this act.

“§ 135-91. Administration.—(a) The provisions of this Article shall be administered by the Department of State Treasurer and a Board of Trustees

consisting of the Board of Trustees of the Teachers' and State Employees' Retirement System and the Board of Trustees of the Local Governmental Employees' Retirement System. The Department of State Treasurer and the Board of Trustees shall create a Supplemental Retirement Income Plan as of January 1, 1985, to be administered under the provisions of this Article.

(b) The Supplemental Retirement Income Plan shall have the power and privileges of a corporation and shall be known as the 'Supplemental Retirement Income Plan of North Carolina' and by this name all of its business shall be transacted.

(c) The Department of State Treasurer and the Board of Trustees shall have full power and authority to adopt rules and regulations for the administration of the Plan, provided they are not inconsistent with the provisions of this Article. The Department of State Treasurer and Board of Trustees may appoint those agents, contractors, employees and committees as they deem advisable to carry out the terms and conditions of the Plan.

(d) The Department of State Treasurer and the Board of Trustees shall be charged with a fiduciary responsibility for managing all aspects of the Plan, including the receipt, maintenance, investment, and disposition of all Plan assets.

(e) The administrative costs of the Plan may be charged to members or deducted from members' accounts in accordance with nondiscriminatory procedures established by the Department of State Treasurer and Board of Trustees.

"§ 135-92. Membership.—(a) The membership eligibility of the Supplemental Retirement Income Plan shall consist of any of the following who voluntarily elect to enroll:

- (1) Members of the Teachers' and State Employees' Retirement System; and
- (2) Members of the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems; and
- (3) Members of the Legislative Retirement System; and
- (4) Members of the Local Governmental Employees' Retirement System; and
- (5) Members of the Law Enforcement Officers' Retirement System.

(b) The membership of any person in the Supplemental Retirement Income Plan shall cease upon:

- (1) The withdrawal of a member's accumulated account; or
- (2) Retirement under the provisions of the Supplemental Income Retirement Plan; or
- (3) Death.

"§ 135-93. Contributions.—(a) Each member may elect to reduce his compensation by the amount of his contribution to the Supplemental Retirement Income Plan and that amount shall be held in the member's account. Members electing such a reduction in compensation may authorize payroll deductions for making contributions to the Plan.

(b) The State and any of its political subdivisions may make contributions to the Supplemental Retirement Income Plan on behalf of any of its members, provided these contributions are nondiscriminatory in accordance with the Internal Revenue Code of 1954 as amended, and are duly appropriated by their governing bodies, and the contributions are held in the member's account.

Employer contributions to the Plan are declared expenditures for a public purpose.

(c) The Department of State Treasurer and Board of Trustees shall establish maximum annual additions that may be made to a member's account and provide for multiple plan reductions in accordance with the Internal Revenue Code of 1954 as amended.

“§ 135-94. Benefits.—(a) The Department of State Treasurer and the Board of Trustees shall establish a schedule of supplemental retirement income benefits for all members of the Supplemental Retirement Income Plan, subject to the following limitations:

- (1) The balance in each member's account shall be fully vested at all times and shall not be subject to forfeiture for any reason.
- (2) All amounts maintained in a member's account shall be invested according to the member's election, as approved by the Department of State Treasurer and Board of Trustees, including but not limited to, a time deposit account, a fixed investment account, or a variable investment account. Transfers of accumulated funds shall be permitted among the various approved forms of investment.
- (3) The Department of State Treasurer and Board of Trustees shall provide members with alternative payment options, including survivors' options, for the distribution of benefits from the Plan upon retirement, disability, termination, hardship, and death.
- (4) With the consent of the Department of State Treasurer and the Board of Trustees, amounts may be transferred from other qualified plans to the Supplemental Retirement Income Plan, provided that the trust from which such funds are transferred permits the transfer to be made and, the transfer will not jeopardize the tax status of the Supplemental Retirement Income Plan or create adverse tax consequences for the State.
- (5) At the discretion of the Department of State Treasurer and Board of Trustees, a loan program may be implemented for members which complies with applicable State and federal laws and regulations.

(b) All provisions of the Plan shall be interpreted and applied by the Department of State Treasurer and Board of Trustees in a uniform and nondiscriminatory manner.

(c) All benefits under the Plan shall become payable on and after January 1, 1985.

(d) Contributions under the plan may be made on and after January 1, 1985.

“§ 135-95. Exemption from taxes, garnishment, attachment.—The right of a member in the Supplemental Retirement Income Plan to the benefits provided under this Article is nonforfeitable and exempt from levy, sale, garnishment, and the benefits payable under this Article are hereby exempt from any State and local government taxes.”

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1528

CHAPTER 976

AN ACT TO EXPAND THE POLK COUNTY BOARD OF COMMISSIONERS FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. In the 1984 General Election, two members of the Board of Commissioners of Polk County shall be elected. The candidate receiving the highest number of votes shall be elected for a four-year term. The candidate with the next highest number of votes shall be elected for a two-year term.

Sec. 2. In the 1986 General Election four members of the Board of County Commissioners of Polk County shall be elected. The two candidates receiving the highest numbers of votes shall be elected for four-year terms, and the two candidates receiving the next highest number of votes shall be elected for a two-year term.

Sec. 2.1. In the 1988 General Election and biennially thereafter, three members of the Board of Commissioners of Polk County shall be elected. The two candidates receiving the highest number of votes shall be elected for four-year terms, and the candidate receiving the next highest number of votes shall be elected for a two-year term.

Sec. 3. This act shall not affect the term of office of the member of the Board of Commissioners of Polk County who was elected in 1982 to a four-year term.

Sec. 4. Effective on the first Monday in December of 1986, the Board of Commissioners of Polk County is expanded from three to five members.

Sec. 5. Chapter 10, Session Laws of 1945 is repealed.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1529

CHAPTER 977

AN ACT TO AUTHORIZE WILDLIFE ENFORCEMENT OFFICERS TO ENFORCE THE LITTERING LAW IN CERTAIN CASES IN RUTHERFORD COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 1155, 1981 Session Laws (Regular Session, 1982), is amended by adding immediately before the words "and Mitchell" the word "Rutherford,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1532

CHAPTER 978

AN ACT TO CLARIFY THE DISCRETION OF THE ORANGE COUNTY BOARD OF ELECTIONS IN CHOOSING A LOCATION FOR THE ADDITIONAL ONE-STOP ABSENTEE VOTING OFFICE APPROVED BY THE GENERAL ASSEMBLY IN THE 1983 REGULAR SESSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 192 of the 1983 Session Laws is amended in Section 1 by deleting the phrase “in the city” from the new subsection (g) and substituting the following: “convenient to and within or in the immediate vicinity of the city”.

Sec. 2. This act shall apply to elections occurring on and after September 1, 1984.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1559

CHAPTER 979

AN ACT TO REGULATE ROAD HUNTING IN JONES COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to take or attempt to take any animal or bird on or from the right-of-way of any public road, street, or highway or to discharge a firearm on or from the right-of-way of any public road, street, or highway.

Sec. 2. This act is enforceable by law-enforcement officers of the Wildlife Resources Commission, by deputy sheriffs and by other peace officers with general subject matter jurisdiction.

Sec. 3. Violation of this act is a misdemeanor punishable by a fine not to exceed two hundred fifty dollars (\$250.00), imprisonment not to exceed six months, or both.

Sec. 4. Sections 1 through 3 of this act shall become effective only if the Jones County Board of Commissioners adopts a resolution finding that those sections are necessary to protect the public health, safety, or welfare.

Sec. 5.

(a) The Jones County Board of Commissioners may direct the Jones County Board of Elections to conduct an advisory referendum on Sections 1 through 3 of this act, to be held on a date to be jointly agreed upon by the two boards. The election shall be held in accordance with the procedures of G.S. 163-287.

(b) The question on the ballot shall be:

“FOR making it unlawful in Jones County to take or attempt to take any animal or bird on or from the right-of-way of any public road, street, or highway or to discharge a firearm on or from the right-of-way of any public road, street, or highway.

AGAINST making it unlawful in Jones County to take or attempt to take any animal or bird on or from the right-of-way of any public road, street, or highway or to discharge a firearm on or from the right-of-way of any public road, street, or highway.”

Sec. 6. This act applies to Jones County only.

Sec. 7. Sections 1 through 4 of this act shall become effective October 1, 1984. Sections 5 through 7 of this act are effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1575**CHAPTER 980****AN ACT TO ALLOW CRAVEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.**

The General Assembly of North Carolina enacts:

Section 1. Levy of Tax. (a) The Board of Commissioners of Craven County may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy and tourism development tax.

(b) Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.

Sec. 2. Rate of Tax. The room occupancy and tourism development tax that may be levied under this act shall be three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar enterprise within the county now subject to the three percent (3%) sales tax imposed by the State under G.S. 105-164.4(3). This tax is in addition to any local sales tax.

Sec. 3. Exemptions. The tax authorized by this act does not apply to gross receipts derived by the following entities from accommodations furnished by them:

- (1) religious organizations;
- (2) a business that offers to rent fewer than five units;
- (3) educational organizations; and
- (4) summer camps.

Sec. 4. Administration of Tax. (a) Any tax levied under this act is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by Craven County. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

(b) Any person, firm, corporation, or association failing or refusing to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission.

(c) In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due, in addition to the penalty prescribed in subsection (b), with an additional tax of five percent (5%) for each additional month or fraction thereof until the occupancy tax is paid.

(d) Any person who willfully attempts in any manner to evade the tax imposed by this act or to make a return or who willfully fails to pay the tax or

make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.

Sec. 5. Collection of Tax. Every operator of a business subject to the tax levied by this act shall, on and after the effective date of the levy of the tax, collect the three percent (3%) tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Craven County. The tax levied pursuant to this act shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all affected businesses in Craven County the necessary forms for filing returns and instructions to ensure the collection of the tax.

Sec. 6. Disposition of Taxes Collected. (a) Craven County shall remit the net proceeds of the occupancy tax to the Craven County Tourism Development Authority. "Net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, not to exceed three percent (3%) of the gross proceeds of the tax. The County Tourism Development Authority shall allocate the occupancy tax revenue remitted to it for the following purposes:

- (1) Direct advertising costs for visitor promotions, conventions, or tourism, including outdoor advertising, print media, broadcast media, and brochures;
- (2) Marketing and promotions expenses, including test market programs, consultant fees, entertainment, housing expenses, travel expenses, and registration fees;
- (3) Operating expenses for the Visitor Information Center, including postage, telephone, supplies, dues, subscriptions, equipment, rent, and overhead allocation;
- (4) Salaries, benefits, and expenses for Visitor Information Center personnel; and
- (5) Other expenses that aid and encourage visitor promotions, conventions, or tourism.

Thirty-five percent (35%) of the net proceeds in excess of one hundred thousand dollars (\$100,000) remitted to the Authority in a calendar year shall be allocated to the funding of museums, meeting facilities, civic centers, parking facilities, or other projects specifically intended primarily for visitor, tourist, or convention programs, projects, and activities.

(b) The County Tourism Development Authority may contract with appropriate organizations or agencies to assist it in carrying out the above purposes.

Sec. 7. Appointment, Duties of Tourism Development Authority. (a) When the board of county commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall also adopt a resolution creating a County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following members:

- (1) One county commissioner appointed by the Board of Commissioners of Craven County;

- (2) After the first full year of collections under this act, one person appointed by the governing board of each municipality from which, during the previous 12-month period, at least ten percent (10%) of the gross proceeds of the occupancy tax were collected;
- (3) One person representing motel operators, appointed by the board of commissioners;
- (4) Two persons with demonstrated interest in and support of tourism development, appointed by the New Bern-Craven Chamber of Commerce;
- (5) One person representing Tryon Palace Complex, appointed by the Tryon Palace Commission;
- (6) Two at-large members with a demonstrated interest in conventions and tourism development, appointed by the other members of the Authority; and
- (7) The finance officer of Craven County, who shall serve as a nonvoting, ex officio member.

(b) All members of the Authority shall serve without compensation. Vacancies in the Authority shall be filled by the appointing authority of the member creating the vacancy. Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve three-year terms, except the initial members who shall serve the following terms:

- (1) Members appointed pursuant to subdivisions (a)(1) and (a)(2) shall serve a one-year term;
- (2) Members appointed pursuant to subdivisions (a)(3) and (a)(4) shall serve a two-year term; and
- (3) Members appointed pursuant to subdivisions (a)(5) and (a)(6) shall serve a three-year term.

(c) A member appointed under subdivision (a)(2) shall serve his full term, regardless whether, during a 12-month period of his term, the percentage of the gross proceeds of the occupancy tax that are collected from the municipality he represents is less than ten percent (10%).

(d) Members may serve no more than two consecutive three-year terms. The members shall elect a chairman, who shall serve for a term of two years. The Authority shall meet at the call of the chairman and shall adopt rules of procedure to govern its meetings. The finance officer for Craven County shall be the ex officio finance officer of the Authority.

(e) The Tourism Development Authority shall report at the close of the fiscal year to the board of county commissioners on its receipts and expenditures for the preceding year in such detail as the board may require.

Sec. 8. Repeal of Levy. (a) The board of county commissioners may by resolution repeal the levy of the room occupancy tax in Craven County, but no repeal of taxes levied under this act shall be effective until the end of the fiscal year in which the repeal resolution was adopted.

(b) No liability for any tax levied under this act that attached prior to the date on which a levy is repealed is discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed may be denied as a result of the repeal.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1576**CHAPTER 981****AN ACT TO ANNEX PROPERTY TO THE TOWN OF FOUR OAKS.**

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the Town of Four Oaks are extended to include the following described areas:

Annexation Study Area "A"

East of Four Oaks Along U.S. - 301

Beginning at a point in the existing city limit line, where said line corners with the northern R/W line of the Seaboard Coastline Railroad, thence along the existing city limit line and the Seaboard Coastline Railroad R/W in a north easterly direction for approximately 1100' to a point, thence in a south easterly direction across the railroad and its R/W to the eastern property line of William J. Edwards, thence along said property line for approximately 350' to the northern R/W of U.S.-301, thence across U.S.-301 for approximately 60' to the southern R/W line, thence from the southern R/W of U.S.-301 continuing in a south easterly direction along the Edwards property line for approximately 640' to a point, thence in a south westerly direction for approximately 200' to a point in the existing corporate limits, thence along said corporate limits in a northerly direction for approximately 570' thence to the center of U.S.-301, thence in a westerly direction for approximately 570' along the existing city limit line, thence along the existing city limit line in a north westerly direction for approximately 450' to a point north of the Seaboard Coastline Railroad to the point of beginning and containing 14.7 acres.

Annexation Study Area "B"

North of Four Oaks Along State Road 1183

Beginning at a point where the existing city limit line intersects with the eastern R/W of S.R.-1183, thence in an easterly direction along existing city limit line for 200' to a point, thence in a northerly direction running parallel with S.R.-1183 for approximately 1040' to a point in the southern property line of the Mayenschein property, thence in an easterly direction along said property line for approximately 1135' to the corner of the Mayenschein and F. B. Skinner property, thence along the Mayenschein's eastern property line and F. B. Skinner and V. Temple's western property line in a northerly direction for approximately 700' to a point, thence in a north westerly direction for approximately 330' to a point in the southern R/W of S.R.-1183, thence across S.R.-1183 for approximately 60' to the northern R/W of S.R.-1183, thence continuing in a north westerly direction for approximately 170' to a point in the eastern property line of the D. I. Penny property, thence following the D. I. Penny property line in a north westerly direction for approximately 420' to a point, thence in a westerly direction for approximately 260' to a point, thence in a northerly direction for approximately 290' to a point, thence in a north westerly direction for 490' to a point, being the corner of the D. I. Penny's western property line and the eastern property line of the Weddings property, thence along said property line in a southerly direction for approximately 1030' to a point, with said point being 200' west of the R/W of S.R.-1183, thence running parallel with S.R.-1183 for approximately 2310' to a point in the

existing city limit line, thence along the existing city limit line in an easterly direction for approximately 200' to the western R/W of S.R.-1183, thence along said R/W in a northerly direction for approximately 450' to a point, thence in an easterly direction for approximately 60' to the point of beginning, containing 61.5 acres.

Sec. 2. This act shall become effective June 30, 1984.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1584

CHAPTER 982

AN ACT TO ALLOW THE CITY OF OXFORD, GRANVILLE COUNTY, TO MAKE STREET IMPROVEMENTS AND ASSESS WITHOUT PETITION.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 320 of the 1981 Session Laws is amended by deleting the word "necessary", in the catch line, and substituting "unnecessary"; further by deleting the words "assess the total cost thereof" and substituting "assess the costs of the improvements as the Board of Commissioners deems appropriate"; further by deleting the word "council" and substituting the words "Board of Commissioners"; further by adding a colon immediately after the words "upon a finding by the Board as a fact" and by deleting the words "that the street improvement project does not exceed 2,000 linear feet, and"; and further by deleting the word "Town's" and substituting the word "City's".

Sec. 2. Section 2 of Chapter 320 of the 1981 Session Laws is amended by adding immediately after the words "Dare County" the words "and to the City of Oxford".

Sec. 3. This act applies to the City of Oxford only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1590

CHAPTER 983

AN ACT TO AUTHORIZE AND IMPLEMENT AN OCCUPANCY TAX IN CUMBERLAND COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is the purpose and intent of this act to provide Cumberland County the authority to levy a transient occupancy tax as hereinafter set forth.

Sec. 2.

(a) Cumberland County is hereby authorized to impose and levy a tax not to exceed three percent (3%) of the gross receipts of any person, firm, corporation or association derived from the rental of any sleeping room or lodging furnished in any hotel, motel, or inn located in Cumberland County and subject to the three percent (3%) sales tax levied by the State of North Carolina. The tax shall not apply, however, to any room or rooms, lodging or accommodations supplied to the same person for a period of 90 continuous days or more. The tax shall also not apply to sleeping rooms or lodgings furnished by

charitable, educational, benevolent or religious institutions or organizations not operated for profit.

(b) Before adopting or amending an ordinance imposing and levying such a tax, the Board of Commissioners shall hold a public hearing on the ordinance or amendment. The Board shall cause notice of the hearing to be published not less than 10 days nor more than 25 days before the date fixed for the hearing.

Sec. 3.

(a) Such tax, if levied, shall be due and payable to the county in monthly installments on or before the 15th of the month next succeeding the month in which the tax accrues. Every person, firm, corporation or association liable for the tax imposed pursuant to this act shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county, a true and correct statement showing the total gross receipts derived in the preceding month from rentals upon which the tax is levied. Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of the calendar month set by the board of commissioners in the ordinance levying the tax.

(b) Any person, firm, corporation or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission.

(c) Any person, firm, corporation or association who willfully attempts in any manner to evade the occupancy tax, if levied on any person required to pay the occupancy tax, or to make a return and who willfully fails to pay such tax or make and file such return, shall, in addition to the penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Sec. 4. Cumberland County shall allocate the net proceeds collected as follows:

(a) Cumberland County shall retain three percent (3%) of the gross proceeds of the tax collected to compensate it for any administrative or collection expenses incurred in implementing this program. "Net Proceeds" shall mean gross taxes collected less any monies retained by the county for administrative and collection expenses.

(b) Fifty percent (50%) of the net proceeds from the tax in a fiscal year shall be allocated for the benefit of the Cumberland County Auditorium Commission to help finance major repairs, renovation, rehabilitation, or other capital improvements to its existing facilities and any new additions. These funds may also be utilized by the Commission as approved by the county board of commissioners for financing construction of new convention oriented or multipurpose facilities. These funds will not be used for the acquisition, construction, renovation, or operation of any sleeping room or overnite lodging. These funds shall be budgeted, appropriated, and expended under the auditorium budget through regular county budgeting appropriation and expenditure methods.

(c) Fifty percent (50%) of net proceeds from the tax in a fiscal year shall be designated, within the auditorium commission budget specifically for advertising the auditorium and promoting travel and tourism within the County of Cumberland. These funds shall be budgeted, appropriated, and expended under the auditorium budget through regular county budgeting,

appropriation and expenditure methods, however, 180 days prior to the adoption of the annual county budget, in which this tax is first budgeted, an advisory committee, the constitution of which is described herein below, shall be formed to plan and propose areas and items of expenditure for the funds designated under this subsection.

Sec. 5. This advisory committee shall be constituted of: (a) two representatives nominated by hotels and motels within the county which have in excess of 100 rooms subject to this occupancy tax and appointed by the county board of commissioners; (b) two representatives nominated by hotels and motels within the county which have fewer than 100 rooms subject to this occupancy tax and appointed by the county board of commissioners; (c) the chairman of the Travel and Tourism Committee of the Fayetteville Area Chamber of Commerce, in an ex officio capacity; (d) the County Manager of Cumberland County in an ex officio capacity; and (e) the Auditorium Manager of the Cumberland County Memorial Auditorium, in an ex officio capacity. All members to this advisory committee, whether in an appointed or ex officio capacity, shall have equal rights and privileges. This advisory committee will remain intact from term-to-term to provide information and advice to the Auditorium Commission for the expenditure of these funds on a continuing basis as the need arises.

The budget process for these funds shall be as follows: Promotion Plan formulated by the advisory committee and submitted, through the Auditorium Manager, as part of the Auditorium's overall budget to the Auditorium Commission for its review and approval, then to the Cumberland County Board of Commissioners, through the County Manager for its review and adoption.

Sec. 6. Chapter 360 of the 1965 Session Laws is amended as follows:

(1) by deleting the word "Treasurer" in the third sentence of Section 1(b)(3) of that act and substituting the words "County Manager"; and

(2) by adding a new sentence at the end of Section 3 of that act to read: "Occupancy tax revenues as authorized in AN ACT TO AUTHORIZE AND IMPLEMENT AN OCCUPANCY TAX IN CUMBERLAND COUNTY may be utilized by the Auditorium Commission, as approved by the board of county commissioners, in aiding and encouraging convention and visitor promotion in Cumberland County."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1591

CHAPTER 984

AN ACT TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE WELDON CITY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the Private Laws of 1917 is repealed.

Sec. 2. The terms of the current members of the Weldon City Board of Education shall expire as follows or as soon thereafter as their successors are elected and qualified:

- (1) W. J. Kilpatrick on December 3, 1984.
- (2) Edna Weeks on December 3, 1984.
- (3) Frankie Young on December 3, 1984.

- (4) Dr. Julian Hoffman on December 3, 1984.
- (5) Seat of I. H. Hillard (deceased) on December 3, 1984.
- (6) Harry Kittner on December 1, 1986.
- (7) Herman Shearin on December 1, 1986.
- (8) Rev. John W. Smith on December 1, 1986.
- (9) Curtis L. Mallory on December 1, 1986.

Sec. 3. Membership, election and terms of board members: (a) At the 1984 general election, three members shall be elected to the Weldon City Board of Education. Thereafter the board shall be composed of seven members.

(b) In 1984, the nonpartisan plurality method of election shall be used and the results of the general election determined in accordance with G.S. 163-292. The general election shall be conducted by the Halifax County Board of Elections.

(c) In 1986 and biennially thereafter, the nonpartisan primary method of election shall be used and the results of the general election and any primary election shall be determined in accordance with the provisions of G.S. 163-294. The general election and any primary election shall be conducted by the Halifax County Board of Elections.

(d) The general election for members of the board shall be held every two years, beginning in 1984, on the Tuesday after the first Monday in November. All qualified voters residing in the Weldon City Administrative Unit shall be eligible to vote in the general election for all candidates. Primary elections, if necessary, shall be held every two years, beginning in 1986, on the date set for primary elections by G.S. 163-1(b).

(e) In 1986 and biennially thereafter, all candidates for election shall file their candidacy in accordance with the provisions of G.S. 163-106, except that the Halifax County Board of Elections shall modify the form to reflect the fact that the election is nonpartisan.

(f) In 1984, all candidates for election shall file their notice of candidacy no earlier than 12:00 noon on the second Monday in August and no later than 12:00 noon on the last Friday in August.

(g) Except as otherwise provided in this act, the election shall be conducted in accordance with the provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

(h) In the general election conducted in November 1984, three members shall be elected to the Weldon City Board of Education for four-year terms. In the general election in November 1986, four members shall be elected to the Weldon City Board of Education for four-year terms. Thereafter, all members shall be elected to four-year terms.

(i) Persons elected to the board shall take office on the first Monday in December following their election.

Sec. 4. Vacancies. Vacancies on the Weldon City Board of Education shall be filled pursuant to G.S. 115C-37(f).

Sec. 5. The members of the Weldon City Board of Education shall receive the same compensation and expense allowances as are allowed to the members of the Halifax County Board of Education pursuant to G.S. 115C-38.

Sec. 6. Except as herein provided, the Weldon City Board of Education shall be governed by the provisions of Chapter 115C of the General Statutes of North Carolina.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1595**CHAPTER 985**

AN ACT AUTHORIZING THE TOWN OF LONG BEACH TO LEVY AN OCCUPANCY TAX AND TO PROTECT CITY OCCUPANCY TAX RETURNS FROM DISCLOSURE.

The General Assembly of North Carolina enacts:

Section 1. Section 44 of Chapter 908 of the 1983 Session Laws is rewritten to read:

“Sec. 44. This Part applies only to the Towns of Long Beach, Ocean Isle Beach, and Topsail Beach, and to Surf City.”

Sec. 2. Part IX of Chapter 908 of the 1983 Session Laws is amended by inserting a new section between Sections 43 and 44 to read:

“Sec. 43.1. A tax return filed with a city tax collector pursuant to this Part is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law. A person who unlawfully discloses a tax return filed pursuant to this Part is guilty of a misdemeanor and is punishable by a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000), imprisonment, or both.”

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1610**CHAPTER 986**

AN ACT TO ALLOW THE TOWN OF WALSTONBURG TO SELL CERTAIN PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. The Town of Walstonburg may sell at private sale any of its right, title, and interest in part or all of the following described property:

“All of those certain parcels or tracts of land, lying and being in Speights Bridge Township, Greene County, and more particularly described as follows:

PARCEL 1: BEGINNING at the Southeast corner of the intersection of US Highway No. 264 and NC Highway No. 91; thence with US Highway No. 264 S 70-19 E 512 feet to a ditch, Goins line; thence with said ditch S 07-08 E 434 feet to a corner of said ditch; thence continuing with said ditch in the Goins line S 88-48 E 122.5 feet to a stake, cornering; thence continuing with the Goins line as follows: S 14-45 W 827.4 feet to an iron stake, S 14-45 W 151 feet to an iron stake, S 14-45 W 122 feet to the Lightwood Knot Branch; thence with Lightwood Knot Branch the following courses and distances: N 68-06 W 187.8 feet, N 81-38 W 173.8 feet, N 33-52 W 113.8 feet, N 63-31 W 201 feet to the Eastern right of way line of NC Highway No. 91; thence with said highway right of way N 28-30 E 116 feet to an iron stake, corner of Town of Walstonburg sub-station site; thence with the line of the Town of Walstonburg sub-station site, S 61-37 E 50.8 feet to an iron stake, cornering; thence N 26-45 E 50.8 feet to an iron stake, cornering; thence N 62-29 W 52.2 feet to the Eastern edge of the right of way of NC Highway No. 91; thence with said highway right of way as follows: N 14-11 E 85 feet, N 08-58 E 100 feet, N 07-49 E 300 feet, N 6-52 E 100

feet, N 5-49 E 100 feet, N 4-29 E 100 feet, N 03-52 E 196.8 feet, N 03-52 E 268.2 feet to the Point of Beginning and containing 20.46 acres, according to a map by McDavid Associates, dated May, 1968, of record in Book 7, Page 62, of the Greene County Public Registry.

PARCEL 2: BEGINNING at the Northwest corner of the intersection of NC Highway No. 91 and State Road No. 1228; thence with the right of way line of State Road No. 1228 N 81-04 W 474.9 feet to a stake in a ditch in the Jenkins line; thence with said ditch in the Jenkins line N 14-59 E 100 feet to a stake, cornering; thence S 77-29 E 459 feet to the Western right of way line of NC Highway No. 91; thence with said right of way S 03-52 W 71.1 feet to the Point of Beginning, and containing 0.91 acres according to map of McDavid Associates, dated May, 1968, which map appears of record in Map Book 7, Page 62, of the Greene County Public Registry."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1619

CHAPTER 987

AN ACT CHANGING THE METHOD OF DISTRIBUTION OF THE NEW HANOVER COUNTY OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

Section 1. Section 35 of Chapter 908 of the 1983 Session Laws is amended as follows:

(1) by rewriting subsection (a) to read:

"(a) New Hanover County shall distribute the net proceeds of the occupancy tax as follows:

(1) Eighty percent (80%) of the net proceeds shall be deposited in a special fund, the cash balance of which shall be deposited at interest or invested in accordance with G.S. 159-30; and

(2) Twenty percent (20%) of the net proceeds shall be distributed on a quarterly basis to the county and its municipalities in accordance with the method by which the one percent (1%) local sales and use taxes levied in the county pursuant to Article 39 of Chapter 105 of the General Statutes are distributed.

'Net proceeds' means gross proceeds less the cost to the county of administering and collecting the tax.

Unless a change in the use of occupancy tax revenue is authorized pursuant to subsection (b), the revenue deposited in a special fund in accordance with subdivision (1) shall be used by the county to control beach erosion, and the revenue distributed between the county and its municipalities in accordance with subdivision (2) shall be used to promote travel and tourism. No revenue distributed under subdivision (2), however, may be used to plan, construct, operate, maintain, or in any way promote a civic center, convention center, public auditorium, or like facility."; and

(2) by deleting the first sentence of subsection (b).

Sec. 2. All revenue received by a city in New Hanover County from the occupancy tax to control beach erosion before the effective date of this act that has not been disbursed, encumbered, or obligated by the city as of that date shall be remitted to New Hanover County within 10 days of the effective date

of this act, to be placed in the special county fund established under subdivision (a)(1) of Section 35 of Chapter 908 of the 1983 Session Laws, as amended by this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1621

CHAPTER 988

AN ACT TO ALLOW GUILFORD COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The General Assembly of North Carolina enacts:

Section 1. Levy of Tax.

(a) The Board of Commissioners of Guilford County may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy and tourism development tax.

(b) Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.

Sec. 2. Occupancy Tax. The county room occupancy and tourism development tax that may be levied under this act shall be three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar place within the county now subject to the three percent (3%) sales tax imposed by the State under G.S. 105-164.4(3). This tax is in addition to any local sales tax.

Sec. 3. Exemptions. The tax authorized by this act does not apply to gross receipts derived by the following entities from accommodations furnished by them:

- (1) religious organizations;
- (2) a business that offers to rent fewer than five units;
- (3) educational organizations;
- (4) summer camps; and
- (5) charitable, benevolent, and other nonprofit organizations.

Sec. 4. Administration of Tax.

(a) Any tax levied under this act is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

(b) Any person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission.

(c) In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due,

in addition to the penalty prescribed in subsection (b), with an additional tax of five percent (5%) for each additional month or fraction thereof until the occupancy tax is paid.

(d) Any person who willfully attempts in any manner to evade the occupancy tax imposed by this act or to make a return and who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.

Sec. 5. Collection of Tax. Every operator of a business subject to the tax levied by this act shall, on and after the effective date of the levy of the tax, collect the three percent (3%) room occupancy tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Guilford County. The room occupancy tax levied pursuant to this act shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses in Guilford County the necessary forms for filing returns and instructions to ensure the full collection of the tax.

Sec. 6. Disposition of Taxes Collected.

(a) Guilford County shall remit seventy percent (70%) of the net proceeds of the occupancy tax to the Greensboro/Guilford County Tourism Development Authority and shall remit the remaining thirty percent (30%) of the net proceeds of the occupancy tax to the City of High Point. "Net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, not to exceed five percent (5%) of the gross proceeds of the tax.

(b) The Greensboro/Guilford County Tourism Development Authority and the City of High Point shall each allocate eighty-five percent (85%) of their shares of the net proceeds of the occupancy tax in a fiscal year for activities and programs promoting and encouraging travel and tourism. The Greensboro/Guilford County Tourism Development Authority and the City of High Point shall each allocate the remaining fifteen percent (15%) of their shares of the occupancy tax proceeds in a fiscal year for specific tourist-related events or activities, such as arts or cultural events, or for promoting, improving, constructing, financing, or acquiring facilities or attractions that enhance the development of tourism.

(c) The county shall distribute the amounts due the Greensboro/Guilford County Tourism Development Authority and the City of High Point by the last day of the month in which the tax is collected.

Sec. 7. Appointment, Duties of Greensboro/Guilford County Tourism Development Authority.

(a) When the board of county commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall also adopt a resolution creating a Greensboro/Guilford County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following nine members:

(1) a county commissioner appointed by the board of county commissioners;

- (2) a member of the Greensboro City Council appointed by the board of county commissioners;
- (3) three owners or operators of hotels, motels, or other taxable accommodations in Guilford County, other than in High Point, two of which own or operate hotels, motels, or other taxable accommodations with more than 200 rental units, one of whom shall be appointed by the Greensboro City Council and one by the board of county commissioners; and one of which owns or operates hotels, motels, or other taxable accommodations with 200 or fewer rental units appointed by the board of county commissioners;
- (4) one individual who has demonstrated an interest in convention and tourism development and does not own or operate hotels, motels, or other taxable tourist accommodations, appointed by the Greensboro Chamber of Commerce;
- (5) one individual who has demonstrated an interest in the arts and its related fields and does not own or operate hotels, motels, or other taxable tourist accommodations, appointed by the Greensboro Arts Council
- (6) the manager of the Greensboro/Guilford County Convention and Visitors Bureau, who shall serve as a nonvoting, ex officio member; and
- (7) the finance officer of Guilford County, who shall serve as a nonvoting, ex officio member.

(b) All members of the Authority shall serve without compensation. Vacancies in the Authority shall be filled by the appointing authority of the member creating the vacancy. Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve three-year terms, except the initial members who shall serve the following terms:

- (1) Members appointed pursuant to subdivisions (a)(1) and (a)(2) above shall serve a one-year term;
- (2) Of the members appointed pursuant to subdivision (a)(3) above, the appointee of the Greensboro City Council shall serve a three-year term, and one appointee of the board of commissioners shall serve a three-year term and one a two-year term, as designated by the board of county commissioners;
- (3) The member appointed pursuant to subdivision (a)(4) above shall serve a three-year term; and
- (4) The member appointed pursuant to subdivision (a)(5) above shall serve a two-year term.

Members may serve no more than two consecutive three-year terms. The members shall elect a chairman, who shall serve for a term of two years. The Authority shall meet at the call of the chairman and shall adopt rules of procedure to govern its meetings. The finance officer for Guilford County shall be the ex officio finance officer of the Authority.

Sec. 8. Contracts Authorized.

(a) The City of High Point may contract with the High Point Chamber of Commerce, Convention and Visitors Bureau, or another nonprofit organization to assist it in carrying out the purposes for which the tax proceeds levied by this act may be expended.

(b) The Greensboro/Guilford County Tourism Development Authority may contract with any person, firm, or agency to assist it in carrying out the purposes for which the tax proceeds levied by this act may be expended.

(c) The Greensboro/Guilford County Tourism Development Authority and the City of High Point shall each report quarterly and at the close of the fiscal year to the board of county commissioners on their receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

Sec. 9. Repeal of Levy.

(a) The board of county commissioners may by resolution repeal the levy of the room occupancy tax in Guilford County, but no repeal of taxes levied under this act shall be effective until the end of the fiscal year in which the repeal resolution was adopted.

(b) No liability for any tax levied under this act that attached prior to the date on which a levy is repealed is discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed may be denied as a result of the repeal.

Sec. 10. This act is effective upon ratification and is repealed effective July 1, 1989.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1624

CHAPTER 989

AN ACT TO INCLUDE ONE SATELLITE AREA WITHIN THE CORPORATE LIMITS OF THE TOWN OF EDENTON.

The General Assembly of North Carolina enacts:

Section 1. In addition to the corporate limits of the Town of Edenton, as now constituted, the corporate limits of the said Town shall include the following described area:

Tract 1

Begin at a point on the south R/W on State Road #1114. Said point being S 83 40' E 120 feet along said R/W from the point of curve of the almost 90 curve at the Edenton Airport and Crisanti property. Thence from said beginning point: S 6 20' W 2975.00 feet to the Albemarle Sound; thence along the highwater line of said sound N 85 15' E 702.41 feet; thence N 6 25'E 1831.90 feet to a point; thence S 83 35'E 493.72 feet to a point; thence N 2 12' W 377.01 feet to a point; thence S 83 35' E 1069.49 feet to a point in the west R/W of State Road #1119; thence along said R/W S 6 25' W 1649.46 feet to the end of said State Road #1119; thence S 83 35' E 30 feet to a point in the Union Camp property line; thence N 6 25' E 162.04 feet to a point in the center of State Road #1129; thence along the center of said State Road #1129 S 85 37' E 662.00 feet; thence N 6 20' E 2285.56 feet across State Road #1114 to a point; thence N 83 40' W 274.20 feet to a point; thence N 6 20' E 135.30 feet to a point; thence N 83 40' W 379.40 feet to a point; thence N 6 20' E 2040.20 feet to a point; thence N 51 10' E 4456.00 feet to a point; thence N 38 50' W 880.60 feet to a point; thence S 51 10' W 1781.60 feet to a point; thence N 63 29' W 2170.90 feet to a point; thence N 6 20' E 3216.00 feet to a point; thence N 83 40' W 1220.80 feet to a point; thence S 6 40' W 2677.80 feet to a point; thence N 83 40' W 275.00 feet to a point in the

Pruden line; thence along said Pruden line S 72° 35' W 1370.00 feet to a point; thence S 60° 00' W 606.67 feet to a point in the north east corner of now or formerly Easterlin property; thence along said property and along a curve, the west line of said property which curve has a delta angle of 22° 56' 50" and a chord of S 27° 13' 30" E 496.42 feet to a point; thence S 15° 47' E 95.83 feet to a point; thence S 74° 14' W 200.00 feet to a point in the west R/W of State Road #1114; thence along said R/W S 16° 43' E 1057.77 feet to a point; thence along a curve with a delta angle of 5° 56' and a chord of S 14° 00' E 547.79 feet to a point; thence S 11° 17' E 677.00 feet to a point; thence along a curve with a delta angle of 17° 34' and a chord of S 2° 30' E 889.81 feet to a point; thence S 6° 17' W 1078.00 feet to a point; thence along a curve, the curve aforementioned in the beginning; with a delta angle of 89° 57' and a chord of S 38° 41' 30" E 810.92 feet to a point in the north R/W of State Road #1114; thence along said State Road #1114 S 83° 40' E 120.00 feet to a point; thence across said State Road #1114 S 6° 20' W 100.00 feet to the point and place of beginning containing 741.02 acres including existing State maintained roads.

Excepting, however, from the above description that parcel of land described in a deed from the Town of Edenton to the State of North Carolina in Deed Book 108 at Page 621 in the public records of Chowan County, North Carolina, and described as follows:

Beginning at an iron pin in the North margin of State Road No. 1114 and running thence North 7° 06' East 390 feet to an iron pin, North 82° 54' West 786.03 feet to an iron pin, South 7° 06' West 391.49 feet to an iron pin in the North margin of said State Road No. 1114 and thence South 83° 00' East along the margin of said State Road 785.96 feet to the point of beginning. The same constituting 7.050 acres according to the survey plat of Jasper W. Hassell dated April 5, 1974, entitled "Plat, Property of the Town of Edenton being conveyed to the N. C. National Guard" duly recorded in Plat Book 7 at page 69 of the Office of the Register of Deeds for Chowan County, reference to which said plat is hereby made for further description and chain of title.

Subject, however, to those certain conditions, reservations and restrictions imposed by the United States of America, acting by and through the Chief, Airports Division, Southern Region, of the Federal Aviation Administration, Department of Transportation in that certain Deed of Release dated March 21, 1975 and recorded in Book 105 at page 84 of the Office of the Register of Deeds for Chowan County, North Carolina.

Sec. 2. The corporate limits of the noncontiguous area annexed by Section 1 of this act shall be considered satellite corporate limits within the meaning of Part 4 of Article 4A, Chapter 160A of the General Statutes, and they shall not be considered to be external boundaries for the purpose of Part 3, Article 4A of Chapter 160A of the General Statutes.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1626

CHAPTER 990

AN ACT TO ELIMINATE THE REQUIREMENT IN DURHAM COUNTY THAT COSMETOLOGISTS SHALL EMPLOY ONLY LICENSED PERSONNEL TO DO SHAMPOOING.

The General Assembly of North Carolina enacts:

Section 1. G. S. 88-1 is amended by deleting from the last sentence of the second paragraph the phrase "Durham,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. B. 1525

CHAPTER 991

AN ACT TO PROVIDE FOR AN ELECTION IN THE NORTHEASTERNMOST PART OF DARE COUNTY ON THE QUESTION OF ESTABLISHING A DUCK AREA BEAUTIFICATION DISTRICT AND TO PROVIDE FOR THE LEVY AND COLLECTION OF PROPERTY TAXES IN THIS DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. Election Authorized. The Board of County Commissioners of Dare County may call an election in the Duck Area District, described in Section 2 of this act, to submit to the voters in the district the single issue of establishing the Duck Area Beautification District and authorizing the annual levy and collection of a special ad valorem tax on all taxable property in the district to beautify the district and protect the citizens of the district by providing for the installation of underground power lines. The Dare County Board of Elections shall conduct this election, in accordance with Chapter 163 of the General Statutes, and shall certify the results of the election to the Dare County Board of Commissioners.

Sec. 2. Description of District. The Duck Area District consists of that part of Dare County beginning at the point at which the Dare County boundary, the Currituck County boundary, and the Atlantic Ocean intersect, then proceeding southward along the Dare County boundary to the Town of Southern Shores, then westward along the boundary of the Town of Southern Shores to Currituck Sound and continuing westwardly across the sound to the boundary separating Currituck and Dare Counties, and then northward and eastward along the Dare County boundary to the point of beginning.

Sec. 3. Ballot. The Dare County Board of Elections shall prepare ballots in the following form for an election called under Section 1 of this act:

" FOR creation of the Duck Area Beautification District and the levy of an ad valorem tax, not to exceed ten cents (10c) for each one hundred dollars (\$100.00) taxable valuation, to beautify the district and protect the citizens of the district by providing for the underground installation of power lines.

AGAINST creation of the Duck Area Beautification District and the levy of an ad valorem tax, not to exceed ten cents (10c) for each one hundred dollars (\$100.00) taxable valuation, to beautify the district and protect the citizens of the district by providing for the underground installation of power lines."

Sec. 4. District Established; Tax Levy. If a majority of the qualified voters voting in an election called under Section 1 of this act vote in favor of creating the Duck Area Beautification District and authorizing the levy and

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collection of an ad valorem tax in the district, the Dare County Board of Commissioners shall, upon receipt of a certified copy of the election results, adopt a resolution creating the Duck Area Beautification District and shall file a copy of the resolution with the clerk of superior court of Dare County. Upon establishing the Duck Area Beautification District, the Dare County Board of Commissioners may annually levy an ad valorem tax on all taxable property in the district in an amount the board considers necessary to provide for the installation of underground power lines, not to exceed ten cents (10c) for each one hundred dollars (\$100.00) taxable valuation of property. The proceeds of this tax shall be used only to provide for the underground installation of power lines in the district.

Sec. 5. Nature of District; Governing Body. If created, the Duck Area Beautification District shall be a body politic and corporate and shall have the power to provide for the installation of underground power lines and do all acts reasonably necessary to fulfill this purpose. The Dare County Board of Commissioners shall serve, ex officio, as the governing body of the district, and the officers of the board of county commissioners shall likewise serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 470

CHAPTER 992

AN ACT TO CLARIFY THE LAW REGARDING CORNEAL TISSUE REMOVAL.

The General Assembly of North Carolina enacts:

Section 1. Sub-subdivisions b. and c. of G.S. 130A-391(a)(1) are repealed and a new sub-subdivision b. is inserted to read:

"b. no objections are known to the medical examiner or regional pathologist; and"

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 732

CHAPTER 993

AN ACT TO REVISE THE CHARTER OF THE TOWN OF ORRUM.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Orrum is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF ORRUM

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

"Sec. 1.1. Incorporation. The Town of Orrum, North Carolina, in the County of Robeson, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Orrum,' hereinafter at times referred to as the 'Town'.

"Sec. 1.2. Powers. The Town of Orrum shall have and may exercise all of the powers, duties, rights, privileges, and immunities, which are now, or hereafter

may be conferred, either expressly or by implication, upon the Town of Orrum, specifically, or upon municipal corporations, generally, by this Charter, by the State Constitution, or by general or local law.

“Sec. 1.3. Corporate Limits. The corporate limits of the Town of Orrum shall be those existing at the time of ratification of this charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map or description showing the current Town boundaries, shall be maintained permanently by the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law the appropriate changes to the official map or description of the Town shall be made.

“ARTICLE II. MAYOR AND TOWN COUNCIL

“Sec. 2.1. Governing Body. The Mayor and Town Council, elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with applicable laws, the mayor and Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

“Sec. 2.2. Town Council; Composition; Terms of Office. The Town Council shall be composed of 4 members, each of whom shall be elected for a term of 2 years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

“Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected in the manner provided by Article II of this Charter to serve for a term of 2 years or until his successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Council. He shall have the right to vote in any and all matters before the Council. The Mayor shall exercise such powers and perform such duties as presently are or hereinafter may be conferred upon him by the General Statutes of North Carolina, by this Charter, and by the ordinances of the Town.

“Sec. 2.4. Mayor Pro Tempore. In accordance with applicable State laws, the Town Council shall appoint one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

“Sec. 2.5. Meetings of the Council. In accordance with the applicable General Statutes, the Council shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

“Sec. 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or providing of town ordinances and resolutions shall be in accordance with the applicable provision of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all town ordinances shall be: ‘Be it ordained by the Town Council of the Town of Orrum.’

“Sec. 2.7. Voting Requirements; Quorum. Official action of the Council shall be, except as provided otherwise by law, by majority vote, provided that a quorum, as defined by G.S. 160A-74, is present.

“Sec. 2.8. Qualifications for Office; Vacancies; Compensation. The compensation of the Mayor and Council members, the filling of vacancies in the office of Mayor and on the Council, and the qualifications of the Mayor and Council members shall be in accordance with applicable provisions of the General Statutes.

“ARTICLE III. ELECTIONS

“Sec. 3.1. ; Regular Municipal Elections ; ; Conduct and Method of Election . Regular municipal elections shall be held in the Town every 2 years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Council shall be elected according to the nonpartisan plurality method of election.

“Sec. 3.2. ; Election of Council Members . At the regular municipal election in 1984, and biennially thereafter, all council members shall be nominated and voted upon by the voters of the Town voting at large.

“Sec. 3.3. ; Election of Mayor . At the regular municipal election in 1984, and biennially thereafter, there shall be elected a Mayor to serve a term of 2 years. The Mayor shall be elected by the voters of the Town voting at large.

“ARTICLE IV. ORGANIZATION AND ADMINISTRATION

“Sec. 4.1. ; Form of Government . The Town shall operate under the Mayor-Council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

“Sec. 4.2. ; Administrative Officers and Employees . Consistent with applicable State laws, the Town Council may establish positions, provide for appointment of administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town.

“Sec. 4.3. ; Consolidation of Administrative Functions . The Town Council may consolidate any two or more administrative positions in the Town government or may assign the functions of any position to the holder or holders of any other position, subject to the Local Government Budget and Fiscal Control Act, and other applicable State laws.

“ARTICLE V. SPECIAL PROVISIONS

“Sec. 5.1. ; Assessments for Street and Sidewalk Improvements ; los; Petition Unnecessary . (a) In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this section.

(b) The Town Council may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the Board as a fact:

- (1) That the street improvement does not exceed 1,200 linear feet, and
- (2) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or
- (3) That it is with public interest to connect two streets, or portions of a street already improved, or
- (4) That it is in the public interest to widen a street, or part thereof, which is already improved, provided, that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town for the particular street or part thereof to be widened and improved under the authority granted by this Article.

(c) For the purpose of this Article, the term ‘street improvement’ shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving,

the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

(d) In addition to any authority which is now or may hereinafter be granted by general law to the Town for making sidewalk improvements, the Town Council is hereby authorized without the necessity of petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment bases employed, the Town Council may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

(e) In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Council shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

(f) The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Orrum and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(1) Any acts concerning the property, affairs, or government of public schools in the Town of Orrum.

(2) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

Chapter 128, Private Laws of 1903

Chapter 134, Private Laws of 1905

Chapter 16, Private Laws of 1911

Chapter 419, Private Laws of 1913.

Sec. 5. No provisions of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. All existing ordinances and resolutions of the Town of Orrum and all existing rules or regulations of departments or agencies of the Town of Orrum, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Orrum shall be abated or otherwise affected by the adoption of this act.

Sec. 9. If any of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

H. B. 1398

CHAPTER 994

AN ACT TO REQUIRE AN APPLICANT FOR APPOINTMENT OF A RECEIVER TO FURNISH A BOND PAYABLE TO THE ADVERSE PARTY.

The General Assembly of North Carolina enacts:

Section 1. Part I of Article 38 of Chapter 1 of the General Statutes is amended by adding a new section immediately after G.S. 1-502 to read:

“§ 1-502.1. Applicant for receiver to furnish bond to adverse party.—Before a judge may appoint a receiver, the judge shall require the party making application for the appointment to furnish a bond payable to the adverse party in a form and amount approved by the judge. The bond shall secure payment by the applicant of all damages, including reasonable attorney fees, sustained by the adverse party by the appointment and acts of the receiver if the appointment is vacated or otherwise set aside. The judge may require that the amount of bond be increased for this purpose any time after the appointment of a receiver.”

Sec. 2. This act shall become effective October 1, 1984, and shall apply to applications for a receiver made on or after that date.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

H. B. 1517

CHAPTER 995

AN ACT TO ABOLISH CERTAIN EXECUTIVE BRANCH BOARDS AND TO CONSOLIDATE THE FUNCTIONS OF CERTAIN EXECUTIVE BRANCH BOARDS.

The General Assembly of North Carolina enacts:

Section 1. The Secretary of the Department of Administration shall abolish the North Carolina New Horizons Task Force within 30 days of the effective date of this act.

Sec. 2. The Secretary of the Department of Administration shall abolish the North Carolina Oil Re-refining Facility Board of Directors within 30 days of the effective date of this act.

Sec. 3. The Secretary of the Department of Administration shall abolish the Retired Senior Executives Advisory Committee within 30 days of the effective date of this act.

Sec. 4. Article 8 of Chapter 113A of the General Statutes is repealed.

G.S. 120-123(11) is repealed.

Sec. 5. The Secretary of the Department of Administration shall abolish the Commission on the Future of North Carolina within 30 days of the effective date of this act.

Sec. 6. The Secretary of the Department of Commerce shall abolish the Employment Security Commission Advisory Council within 30 days of the effective date of this act.

G.S. 96-4(e) is amended by deleting the words "a State Advisory Council and" in the first sentence and by deleting the last sentence.

Sec. 7. The President of the Department of Community Colleges shall abolish the Occupational Education Research Services Advisory Council within 30 days of the effective date of this act.

Sec. 8. G.S. 143B-480(a) is amended by deleting the words and punctuation "the Crime Prevention and Public Information Committee,".

G.S. 143B-480(c)(1) is repealed.

Sec. 9. The Secretary of the Department of Human Resources shall abolish the Sudden Infant Death Syndrome Project Council within 30 days of the effective date of this act.

Sec. 10. The Secretary of the Department of Human Resources shall abolish the Statewide Education and Training Advisory Committee, the South Central Region Education and Training Advisory Committee, the Western Region Education and Training Advisory Committee, the Eastern Region Education and Training Advisory Committee, and the Northern Region Education and Training Advisory Committee within 30 days of the effective date of this act.

Sec. 11. G.S. 143B-279(18) is repealed.

Part 18 of Article 7 of Chapter 143B of the General Statutes is repealed.

Sec. 12. G.S. 143B-279(14) is repealed.

Part 14 of Article 7 of Chapter 143B of the General Statutes is repealed.

Sec. 13. Part 25 of Article 7 of Chapter 143B of the General Statutes is repealed.

Sec. 14. G.S. 143B-279(16) is repealed.

Part 16 of Article 7 of Chapter 143B of the General Statutes is repealed.

Sec. 15. The Secretary of the Department of Natural Resources and Community Development shall abolish the Water Policy Advisory Committee for Section 208 of the Clean Water Act within 30 days of the effective date of this act.

Sec. 16. The Secretary of the Department of Natural Resources and Community Development shall abolish the Chowan Regional Task Force within 30 days of the effective date of this act.

Sec. 17. G.S. 115C-575 is repealed.

Sec. 18. The Secretary of the Department of State Transportation shall abolish the North Carolina Highway Contract Oversight Commission within 30 days of the effective date of this act.

Sec. 19. G.S. 120-123(16) is rewritten to read:

“(16) The Governor’s Commission on Governmental Productivity, as established by G.S. 126-64.”

Article 11 of Chapter 126 is amended by rewriting the heading to read:

“Governor’s Commission on Governmental Productivity.”

G.S. 126-64 is rewritten to read:

“§ 126-64. Commission; authority to administer incentive pay program for State employees.—The Governor’s Commission on Governmental Productivity is authorized, in addition to other powers and functions assigned to it by the Governor, to adopt policies and procedures to establish and administer an incentive pay program for State employees. The Commission shall consist of not more than 21 members, all of whom shall be appointed by the Governor.”

G.S. 126-65, G.S. 126-66, G.S. 126-67, and G.S. 126-68 are amended by deleting the word “Committee” everywhere it appears in those sections and inserting in lieu thereof the word “Commission”.

Sec. 20. The Task Force on the International Year of Disabled Persons is abolished.

G.S. 143B-403.1 is amended by renumbering subdivision (11) as subdivision (12) and by inserting a new subdivision (11) to read:

“(11) To initiate public awareness projects and to make recommendations to the Governor concerning broad policies pertaining to rehabilitation for disabled persons.”

Sec. 21. The State Superintendent for Public Instruction shall abolish the Edwin Gill Theater Project Selection Committee within 30 days of the effective date of this act. The Department of Public Instruction is authorized to perform the functions of this Committee.

Sec. 22. G.S. 143B-83, as it existed before it was repealed by Chapter 504 of the 1979 Session Laws, is reenacted.

Sec. 23. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 735

CHAPTER 996

AN ACT TO AMEND THE CHARTER OF THE CITY OF LUMBERTON
RELATING TO UPTOWN DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Lumberton, being Chapter 115, Session Laws of 1963, is amended by adding a new Article to read:

“ARTICLE XV.

“Uptown Development Projects.

“Section 1. Uptown development projects. (a) Definition. In this Article, ‘uptown development projects’ means a capital project in the city’s central business district, as defined by the city council, comprising one or more buildings or other improvements and including both public and private facilities. By way of illustration but not limitation, such a project might include a single building comprising a publicly owned parking structure and publicly owned convention center and a privately owned hotel or office building.

(b) Authorization. If the city council finds that it is likely to have a significant effect on the revitalization of the central business district, the city may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of an uptown development project or of specific facilities within such a project. The city may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract shall among other provisions, specify the following:

- (1) The property interest of both the city and the developer or developers in the project.
- (2) The responsibilities of the city and the developer or developers for construction of the project.
- (3) The responsibilities of the city and the developer or developers with respect to financing the project.

Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property acquisition. An uptown development project may be constructed on property acquired by the developer or developers or on property directly acquired by the city by purchase or eminent domain.

(d) Property disposition. In connection with an uptown development project, the city may lease or convey interests in property owned by it, including air rights over public facilities, by private negotiation or sale, and Article 12 of Chapter 160A of the General Statutes does not apply to such dispositions.

(e) Construction of the project. The contract between the city and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire uptown development project. If so, the contract shall include such provisions as the city council deems sufficient to assure that the public facility or facilities included in the project meet the needs of the city and are constructed at a reasonable price. A project constructed pursuant to this paragraph is not subject to Article 8 of Chapter 143 of the General Statutes.

(f) Operation. The city may contract for the operation of any public facility or facilities included in an uptown development project by a person, partnership, firm, or corporation, public or private. Such a contract shall include provisions

sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the city.

(g) Grant funds. To assist in the financing of its share of an uptown development project, the city may apply for, accept and expend grant funds from the federal or State governments.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 739

CHAPTER 997

AN ACT TO ANNEX CERTAIN PROPERTY TO THE CITY OF JACKSONVILLE.

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the City of Jacksonville are enlarged to include the following described territory:

BEGINNING where the eastern right of way of Corbin Road Extended intersects the southern edge of the median of Lejeune Boulevard (NC 24); thence along the southern edge of the median in a southeasterly direction plus or minus 1335 feet to the abutment of the Northeast Creek Bridge; thence crossing the median plus or minus 30 feet to the northern edge of the median; thence back along the northern edge of the median in a northwesterly direction plus or minus 1335 feet to a point where the eastern right of way of Corbin Road Extended intersects the said northern edge of said median; thence back across the median plus or minus 30 feet to the POINT AND PLACE OF BEGINNING, an area of 0.92 acres, encompassing the entire median.

Sec. 2. This act shall become effective June 30, 1984.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 740

CHAPTER 998

AN ACT TO EXTEND THE FREEZE ON THE ISSUANCE OF CERTIFICATES OF NEED FOR NEW INTERMEDIATE CARE FACILITY BEDS FOR THE MENTALLY RETARDED.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 1 of Chapter 836 of the 1983 Session Laws is amended by deleting “until June 30, 1984” and substituting “until January 1, 1985”.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 741

CHAPTER 999

AN ACT TO PROVIDE TIME TO STUDY THE NEED FOR AND THE PROVIDING OF SERVICES BY HOME HEALTH AGENCIES AS ALTERNATIVES TO INSTITUTIONAL CARE.

Whereas, the General Assembly finds that there has been a dramatic increase in the number of home health agencies providing home health services; and

Whereas, the proliferation of duplicative and underused home health agencies and services places an enormous economic burden on members of the public who pay for excess services as patients, health insurance subscribers, health plan contributors, and taxpayers; and

Whereas, time is needed to assess the impact of the recent dramatic increase in the number of home health agencies and home health services; and

Whereas, the General Assembly has determined that the general welfare and protection of lives, health and property of the people of this State require that new health services to be offered within this State be subject to review and evaluation and the Department of Human Resources needs time to establish procedures for the review and evaluation of these facilities and services; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Article 9 of Chapter 131E of the General Statutes or of any other law, beginning on the effective date of this act, and until January 31, 1985, the Department of Human Resources shall not issue a certificate of need for:

- (1) any new or additional home health agency; or
- (2) any new or additional home health service.

This prohibition shall not apply to home health agencies and home health services for which completed applications, including the required fees, have been filed prior to July 1, 1984.

Sec. 2. Any person who has applied for a certificate of need and who has not received one due to failure to complete the application and pay the fees shall not be required to file a new application with the Department of Human Resources in order for that proposal to be reviewed after January 31, 1985. That person may request the Department to review the application that already has been filed when complete. Nonetheless, the Department of Human Resources may adopt rules requiring an applicant to review the application and update it where appropriate.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 742 CHAPTER 1000

AN ACT TO MAKE FINAL AGENCY DECISIONS ON CERTIFICATES OF
NEED APPEALABLE TO THE NORTH CAROLINA COURT OF
APPEALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-188(b) is rewritten to read:

“(b) Any affected person who was a party in a contested case hearing shall be entitled to judicial review of all or any portion of any final decision of the Department in the following manner. The appeal shall be to the Court of Appeals as provided in G.S. 7A-29(a). The procedure for the appeal shall be as provided by the rules of appellate procedure. The appeal of the final decision of the Department shall be taken within 30 days of the receipt of the written notice of decision required by G.S. 131E-187 and notice of appeal shall be filed with the Division of Facilities Services, Department of Human Resources and with all other affected persons who were parties to the contested hearing.”

Sec. 2. G.S. 7A-29(a) is amended by inserting immediately after the words “not governed by subsection (b)” the words “, the Department of Human Resources pursuant to G.S. 131E-188(b),”.

Sec. 3. The first sentence of G.S. 131E-191(b) is rewritten to read:

“An action brought by a ‘party’ as defined in G.S. 150A-2(5), except any ‘affected person’ who was a party to a contested case hearing who must bring an action in the North Carolina Court of Appeals pursuant to G.S. 131E-188(b), who has exhausted all administrative remedies made available to that party by statute or rules and regulations, may be brought in the Superior Court of Wake County at any time after a final decision by the Department.”

Sec. 4. This act shall become effective October 1, 1984, but shall not affect any appeal for which notice of appeal was filed prior to the effective date of this statute.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 744 CHAPTER 1001

AN ACT TO END THE MORATORIUM ON NURSING HOME
CONSTRUCTION.

The General Assembly of North Carolina enacts:

Section 1. Section 31 of Chapter 1127 of the 1981 Session Laws is repealed.

Sec. 2. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. B. 774 CHAPTER 1002

AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE
CERTIFICATE OF NEED LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-176(5) is rewritten to read:

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“(5) ‘Change in bed capacity’ means (i) any increase in the total number of beds, or (ii) any relocation of beds from one physical facility or site to another, or (iii) a decrease in the total number of beds when that decrease involves a capital expenditure exceeding the expenditure minimum as defined in subdivision (16)b. of this section, or (iv) a redistribution of beds among different categories when that redistribution involves a capital expenditure exceeding the expenditure minimum as defined in subdivision (16)b. of this section. For purposes of this subdivision ‘beds’ means beds in hospitals, rehabilitation facilities, psychiatric facilities, chemical dependency treatment facilities, intermediate care facilities, skilled nursing facilities and intermediate care facilities for the mentally retarded.”

Sec. 2. G.S. 131E-176(9) is amended by adding immediately after the words “means hospitals;” the words “psychiatric facilities;”.

Sec. 3. G.S. 131E-176(13) is amended by deleting the last sentence of the subdivision and substituting “The term includes all facilities licensed pursuant to Section 131E-77 of the General Statutes.”

Sec. 4. The last sentence of G.S. 131E-176(14) is repealed.

Sec. 5. G.S. 131E-176 is amended by adding a new subdivision to read:

“(14a) ‘Intermediate care facility for the mentally retarded’ means facilities licensed pursuant to Chapter 122 of the General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions.”

Sec. 6. G.S. 131E-176(16)c. is rewritten to read:

“c. The obligation of a capital expenditure by or on behalf of a health care facility when it is associated with a change in bed capacity and within the limits set forth in G.S. 131E-176(5).”

Sec. 7. G.S. 131E-176(21) is rewritten to read:

“(21) ‘Psychiatric facility’ means a public or private facility licensed pursuant to Chapter 122 of the General Statutes and which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons.”

Sec. 8. G.S. 131E-176(22) is amended by adding immediately after the words “private inpatient” the words “or outpatient”, and is further amended by adding immediately after the words “professional supervision” the words “, and shall include ‘comprehensive outpatient rehabilitation facilities’ as defined by the Social Security Act and the regulations promulgated by the Department of Health and Human Services pursuant to that act”.

Sec. 9. G.S. 131E-176(26) is repealed.

Sec. 10. G.S. 131E-183(a)(1) is amended by deleting the words “, and the State Mental Health Plan”.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

H. B. 1483 CHAPTER 1003

AN ACT REGARDING REFUNDS OF TAX PAID ON GASOLIN AND OTHER ALCOHOL FUELS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-436.1(a) and G.S. 105-449.24, as amended by Chapter 591 of the 1983 Session Laws, are each amended by deleting the phrase “for

subsequent years ending December 31, six cents (6c) per gallon” and inserting in lieu thereof the phrase “for subsequent calendar years ending on or before December 31, 1991, six cents (6c) per gallon; for the year ending December 31, 1992, eight and one-half cents (8 1/2c) per gallon”.

Sec. 2. Section 6 of Chapter 1187 of the 1979 Session Laws (Second Session 1980) is rewritten to read:

“Sec. 6. This act shall become effective on January 1, 1981, and shall expire on January 1, 1993. No liability for the tax levied under this act before its expiration is discharged as a result of the expiration, and no right to a refund that accrued before the act’s expiration may be denied because of the expiration.”

Sec. 3. Section 2 of Chapter 760 of the 1983 Session Laws is amended by deleting the phrase “for subsequent years, six cents (6c)” and inserting in lieu thereof the phrase “for the years ending December 31, 1984, and December 31, 1985, six cents (6c)”.

Sec. 4. Section 4 of Chapter 760 of the 1983 Session Laws is rewritten to read:

“Sec. 4. This act is effective upon ratification and expires on December 31, 1985. No liability for the tax levied under this act before its expiration is discharged as a result of the expiration, and no right to a refund that accrued before the act’s expiration may be denied because of the expiration.”

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1485 CHAPTER 1004

AN ACT REPEALING VARIOUS OBSOLETE TAX STATUTES AND MAKING TECHNICAL CORRECTIONS TO THE REVENUE LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-113.65, 105-449.01, and 105-449.36 are repealed.

Sec. 2. G.S. 105-130.24 and G.S. 105-151.3 are repealed.

Sec. 3. The last sentence of the fifth paragraph of G.S. 105-259 is rewritten to read: “Neither this section nor any other law prevents the exchange of information between the Department of Revenue and the Department of Transportation’s Division of Motor Vehicles when the information is needed by either to administer the laws with which they are charged.”

Sec. 4. G.S. 105-449.55 is rewritten to read:

“§ 105-449.55. Commissioner of Motor Vehicles to aid in enforcing Article.—The Commissioner of Motor Vehicles may utilize the State Highway Patrol, uniformed officers assigned to permanent weighing stations of the Division of Motor Vehicles, Department of Transportation, and other appropriate personnel in the Division of Motor Vehicles to assist the Department of Revenue in enforcing this Article.”

Sec. 5. G.S. 105-449.56 is amended as follows:

(1) by deleting the words “Vehicle Department” in the catchline to that section and substituting the words “Vehicles Division”, and

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(2) by deleting the word "Department" and substituting the word "Division".

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1488 CHAPTER 1005

AN ACT AUTHORIZING THE SECRETARY OF REVENUE TO EMPLOY COLLECTION AGENCIES TO COLLECT TAXES DUE THIS STATE FROM TAX PAYERS LOCATED OUTSIDE THE STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-269 is amended by designating the current language as subsection (a) and adding a new subsection to read:

"(b) The Secretary of Revenue may, in accordance with the procedure prescribed in G.S. 143-49(3), contract for the collection of taxes legally due this State from taxpayers located in other states. The Secretary may furnish to a contractor hired pursuant to this subsection any information he considers necessary to identify and locate a taxpayer, establish the tax liability of a taxpayer, or effect collection of the amount due."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1535 CHAPTER 1006

AN ACT TO REWRITE THE STATUTE UNDER WHICH NONPUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS MAY BE LICENSED TO CONDUCT POST-SECONDARY DEGREE ACTIVITY IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116-15 is rewritten to read as follows:

"§ 116-15. Licensing of certain nonpublic post-secondary educational institutions.—The General Assembly of North Carolina in recognition of the importance of higher education and of the particular significance attached to the personal credentials accessible through higher education and in consonance with statutory law of this State making unlawful any 'unfair or deceptive acts or practices in the conduct of any trade or commerce,' hereby declares it the policy of this State that all institutions conducting post-secondary degree activity in this State that are not subject to Chapter 115 or 115D of the General Statutes, nor some other section of Chapter 116 of the General Statutes shall be subject to licensure under this section except as the institution or a particular activity of the institution may be exempt from licensure by one or another provision of this section.

(a) Definitions. As used in this section the following terms are defined as set forth in this subsection:

- (1) 'Post-secondary degree'. A credential conferring on the recipient thereof the title of 'Associate', 'Bachelor', 'Master', or 'Doctor', or an equivalent title, signifying educational attainment based on (i) study, (ii) a substitute for study in the form of equivalent experience or achievement testing, or (iii) a combination of the foregoing; provided, that 'post-secondary degree' shall not include any honorary degree or other so-called 'unearned' degree.
- (2) 'Institution'. Any sole proprietorship, group, partnership, venture, society, company, corporation, school, college, or university that engages in, purports to engage in, or intends to engage in any type of post-secondary degree activity.
- (3) 'Post-secondary degree activity'. Any of the following is 'post-secondary degree activity':
 - (i) Awarding a post-secondary degree:
 - (ii) Conducting or offering study, experience, or testing for an individual or certifying prior successful completion by an individual of study, experience, or testing, under the representation that the individual successfully completing the study, experience, or testing will be awarded therefor, at least in part, a post-secondary degree.
- (4) 'Publicly registered name'. The name of any sole proprietorship, group, partnership, venture, society, company, corporation, school, college, or institution that appears as the subject of any Articles of Incorporation, Articles of Amendment, or Certificate of Authority to Transact Business or to Conduct Affairs, properly filed with the Secretary of State of North Carolina and currently in force.
- (5) 'Board'. The Board of Governors of The University of North Carolina.

(b) Required license. No institution subject to this section shall undertake post-secondary degree activity in this State, whether through itself or through an agent, unless the institution is licensed as provided in this section to conduct post-secondary degree activity or is exempt from licensure under this section as hereinafter provided.

(c) Exemption from licensure. Any institution that has been continuously conducting post-secondary degree activity in this State under the same publicly registered name or series of publicly registered names since July 1, 1972, shall be exempt from the provisions for licensure under this section upon presentation to the Board of information acceptable to the Board to substantiate such post-secondary degree activity and public registration of the institution's names. Any institution that, pursuant to a predecessor statute to this subsection, had presented to the Board proof of activity and registration such that the Board granted exemption from licensure, shall continue to enjoy such exemption without further action by the Board.

(d) Exemption of institutions relative to religious education. Notwithstanding any other provision of this section, no institution shall be subject to licensure under this section with respect to post-secondary degree activity based upon a program of study, equivalent experience, or achievement testing the institutionally planned objective of which is the attainment of a degree in theology, divinity, or religious education or in any other program of study, equivalent experience, or achievement testing that is designed by the

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institution primarily for career preparation in a religious vocation. This exemption shall be extended to any institution with respect to each program of study, equivalent experience, and achievement test that the institution demonstrates to the satisfaction of the Board should be exempt under this subsection.

(e) Post-secondary degree activity within the military. To the extent that an institution undertakes post-secondary degree activity on the premises of military posts or reservations located in this State for military personnel stationed on active duty there, or their dependents, the institution shall be exempt from the licensure requirements of this section.

(f) Standards for licensure. To receive a license to conduct post-secondary degree activity in this State, an institution shall satisfy the Board that the institution has met the following standards:

- (1) That the institution is State-chartered. If chartered by a state or sovereignty other than North Carolina, the institution shall also obtain a Certificate of Authority to Transact Business or to Conduct Affairs in North Carolina issued by the Secretary of State of North Carolina;
- (2) That the institution has been conducting post-secondary degree activity in a state or sovereignty other than North Carolina during consecutive, regular-term, academic semesters, exclusive of summer sessions, for at least the two years immediately prior to submitting an application for licensure under this section, or has been conducting with enrolled students, for a like period in this State or some other state or sovereignty, post-secondary educational activity not related to a post-secondary degree; provided, that an institution may be temporarily relieved of this standard under the conditions set forth in subsection (i), below;
- (3) That the substance of each course or program of study, equivalent experience, or achievement test is such as may reasonably and adequately achieve the stated objective for which the study, experience, or test is offered or to be certified as successfully completed;
- (4) That the institution has adequate space, equipment, instructional materials, and personnel available to it to provide education of good quality;
- (5) That the education, experience, and other qualifications of directors, administrators, supervisors, and instructors are such as may reasonably insure that the students will receive, or will be reliably certified to have received, education consistent with the stated objectives of any course or program of study, equivalent experience, or achievement test offered by the institution;
- (6) That the institution provides students and other interested persons with a catalog or brochure containing information describing the substance, objectives, and duration of the study, equivalent experience, and achievement testing offered, a schedule of related tuition, fees, and all other necessary charges and expenses, cancellation and refund policies, and such other material facts concerning the institution and the program or course of study, equivalent experience, and achievement testing as are reasonably likely to affect the decision of the student to enroll therein, together with any other disclosures that may be specified

by the Board; and that such information is provided to prospective students prior to enrollment;

- (7) That upon satisfactory completion of study, equivalent experience, or achievement test, the student is given appropriate educational credentials by the institution, indicating that the relevant study, equivalent experience, or achievement testing has been satisfactorily completed by the student;
- (8) That records are maintained by the institution adequate to reflect the application of relevant performance or grading standards to each enrolled student;
- (9) That the institution is maintained and operated in compliance with all pertinent ordinances and laws, including rules and regulations adopted pursuant thereto, relative to the safety and health of all persons upon the premises of the institution;
- (10) That the institution is financially sound and capable of fulfilling its commitments to students;
- (11) That the institution, through itself or those with whom it may contract, does not engage in promotion, sales, collection, credit, or other practices of any type which are false, deceptive, misleading, or unfair;
- (12) That the chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors, and employees of the institution have no record of unprofessional conduct or incompetence that would reasonably call into question the overall quality of the institution;
- (13) That the student housing owned, maintained, or approved by the institution, if any, is appropriate, safe, and adequate;
- (14) That the institution has a fair and equitable cancellation and refund policy; and
- (15) That no person or agency with whom the institution contracts has a record of unprofessional conduct or incompetence that would reasonably call into question the overall quality of the institution.

(g) Review of licensure. Any institution that acquires licensure under this section shall be subject to review by the Board to determine that the institution continues to meet the standard for licensure of subsection (f), above. Review of such licensure by the Board shall always occur if the institution is legally reconstituted, or if ownership of a preponderance of all the assets of the institution changes pursuant to a single transaction or agreement or a recognizable sequence of transactions or agreements, or if two years has elapsed since licensure of the institution was granted by the Board.

Notwithstanding the foregoing paragraph, if an institution has continued to be licensed under this section and continuously conducted post-secondary degree activity in this State under the same publicly registered name or series of publicly registered names since July 1, 1979, or for six consecutive years, whichever is the shorter period, and is accredited by an accrediting commission recognized by the Council on Post-Secondary Accreditation, such institution shall be subject to licensure review by the Board every six years to determine that the institution continues to meet the standard for licensure of subsection (f), above. However, should such an institution cease to maintain the specified accreditation, become legally reconstituted, have ownership of a preponderance of all its assets transferred pursuant to a single transaction or agreement or a

recognizable sequence of transactions or agreements to a person or organization not licensed under this section, or fail to meet the standard for licensure of subsection (f), above, then the institution shall be subject to licensure review by the Board every two years until a license to conduct post-secondary degree activity and the requisite accreditation have been restored for six consecutive years.

(h) Denial and revocation of licensure. Any institution seeking licensure under the provisions of this section that fails to meet the licensure requirements of this section shall be denied a license to conduct post-secondary degree activity in this State. Any institution holding a license to conduct post-secondary degree activity in this State that is found by the Board of Governors not to satisfy the licensure requirements of this section shall have its license to conduct post-secondary degree activity in this State revoked by the Board; provided, that the Board of Governors may continue in force the license of an institution deemed by the Board to be making substantial and expeditious progress toward remedying its licensure deficiencies.

(i) Regulatory authority in the Board. The Board shall have authority to establish such rules, regulations, and procedures as it may deem necessary or appropriate to effect the provisions of this section. Such rules, regulations, and procedures may include provision for the granting of an interim permit to conduct post-secondary degree activity in this State to an institution seeking licensure but lacking the two-year period of activity prescribed by subsection (f)(2), above.

(j) Enforcement authority in the Attorney General. The Board shall call to the attention of the Attorney General, for such action as he may deem appropriate, any institution failing to comply with the requirements of this section.

(k) Severability. The provisions of this section are severable, and, if any provision of this section is declared unconstitutional or invalid by the courts, such declaration shall not affect the validity of the section as a whole or any provision other than the provision so declared to be unconstitutional or invalid."

Sec. 2. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1547 CHAPTER 1007

AN ACT TO PROVIDE FOR A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF FAIR BLUFF AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN BOARD OF COMMISSIONER.

The General Assembly of North Carolina enacts:

Section 1. Sections 3 through 9 of Chapter 25, Private Laws, Extra Session of 1913, are repealed and the following new sections inserted:

"Sec. 2.1. The elected officers of the town are a Mayor and five members of the Board of Commissioners.

Sec. 2.2. The elections shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes. The mayor and commissioners shall be elected by the nonpartisan plurality method.

Sec. 2.3.

(a) In the 1985 municipal election and quadrennially thereafter, the Mayor shall be elected for a four-year term.

(b) In the 1985 municipal election five commissioners shall be elected. The three persons receiving the highest number of votes shall be elected for a four-year term and the two persons receiving the next highest number of votes shall be elected for a two-year term. In 1987 and quadrennially thereafter, two commissioners shall be elected for four-year terms. In 1989 and quadrennially thereafter, three commissioners shall be elected for four-year terms."

Sec. 2. This act does not affect the terms of the current Mayor and Board of Commissioners.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1554 CHAPTER 1008

**AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE
RELATING TO EXCUSING MEMBERS OF COUNCIL FROM VOTING.**

The General Assembly of North Carolina enacts:

Section 1. Section 3.23(a) of the Charter of the City of Charlotte being Chapter 713, Session Laws of 1965 is amended by deleting the following sentence: "No member shall be excused from voting except upon matters involving the consideration of his own official conduct or involving his financial interest."; and substituting in lieu thereof, the following sentence: "No member shall be excused from voting except upon matters involving the consideration of his own official conduct, involving his financial interest, or when the member failed to attend the entire hearing on a request for the issuance of a special use permit."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1588 CHAPTER 1009

**AN ACT TO PROVIDE SPECIAL ELECTIONS FOR FILLING VACANCIES
ON THE LUMBERTON CITY COUNCIL AND FOR MAYOR.**

The General Assembly of North Carolina enacts:

Section 1. Section 9 of Article II of the Charter of the City of Lumberton, being Chapter 115, Session Laws of 1963, as amended by Section 5 of Chapter 237, Session Laws of 1967, is rewritten to read:

"Sec. 9. Vacancies in Offices. (a) If any elected Mayor or Councilman shall refuse to be qualified, or there is a vacancy in the office of Mayor or Councilman after election and qualification, a special election shall be called by the City Council and shall be held to fill the vacancy, provided that if the vacancy occurs after the opening date for filing of candidacy under G.S. 163-294.2(c)(2) in the year in which the term is to expire, no special election shall be held.

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(b) If the City Council is required to call a special election under the provisions of subsection (a) of this section, it shall follow the provisions of this section.

(c) The special election shall be called and conducted in accordance with G.S. 163-287, except as otherwise provided in this section.

(d) The Council shall within 20 days of the existence of the vacancy adopt a resolution calling a special election. Such special election may be held on the same date as any county or State or municipal primary, or general election, referendum or special election, but may not otherwise be held within the period beginning 30 days before and ending 30 days after the date of any such election, primary, special election, or referendum.

(e) If the City Council calls a special election to be held at the time of the regularly scheduled elections for municipal officials, the special election shall be conducted according to the rules, regulations and procedures established for such regular elections by Subchapter IX of Chapter 163 of the General Statutes of North Carolina. The election shall be conducted according to the nonpartisan plurality election method.

(f) If the City Council calls for a special election to be held at any time other than the time of the regularly scheduled elections for municipal officials, the election shall be conducted according to the rules, regulations and procedures established for special elections by G.S. 163-287 and by the remainder of Chapter 163 of the General Statutes of North Carolina, as modified by the following provisions:

- (1) Candidates may file their notices of candidacy during the time prescribed by G.S. 163-294.2.
- (2) The filing fee in the special election shall be the same as that most recently fixed by the City Council pursuant to G.S. 163-294.2(e) for the regularly scheduled election for municipal officials.
- (3) The election shall be conducted according to the nonpartisan plurality election method."

Sec. 2. G.S. 160A-63 shall not apply to the City of Lumberton.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1594 CHAPTER 1010

AN ACT TO AMEND THE DISTRIBUTION OF PROCEEDS FROM THE OPERATION OF LIQUOR STORES IN THE TOWN OF CALABASH.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1179 of the 1973 Session Laws of North Carolina, Second Session 1974, is amended by rewriting Section 6 to read as follows:

"Sec. 6. The net profits derived from the operation of liquor control stores in the Town of Calabash shall, after deducting necessary working capital, salaries, and expenses, be distributed quarterly as follows:

70% to the General Fund of the town to be used for any lawful purpose including a yearly appropriation to the Brunswick County School System.

15% to the nearest Volunteer Fire Department for the purpose of providing fire protection to the Town of Calabash.

15% to the nearest rescue squad providing service to the Town of Calabash."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1596 CHAPTER 1011

AN ACT LIMITING THE TRAPPING SEASON IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to set, or cause to be set, any steel leg-hold trap between March 1 and either January 1 or the last day of the deer hunting season as set by the Wildlife Resources Commission, whichever is later.

Sec. 2. This act applies to Brunswick County only.

Sec. 3. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1623 CHAPTER 1012

AN ACT REGARDING DISCOUNTS FOR PREPAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN OF BROADWAY IN LEE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The discounts for prepayments of property taxes applicable to taxes levied by Lee County in 1984 shall also apply to prepayments of 1984 property taxes levied by the Town of Broadway in that county. Lee County's discount schedule, as it may from time to time be modified by the county, shall continue to apply to future years' property taxes levied by the Town of Broadway, until such time as the Town takes action pursuant to G.S. 105-360 to adopt its own discount schedule.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1676 CHAPTER 1013

AN ACT TO REQUIRE THAT TAX LIENS BE ADVERTISED IN A NEWSPAPER ONLY ONE TIME INSTEAD OF FOUR TIMES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-369 is amended as follows:

(1) by deleting the phrase "at one of the times specified in subsection (b), below" in the first sentence of subsection (a);

(2) by deleting subsection (b);

(3) by deleting the heading and first sentence of subsection (c) and substituting the following: "Time and Contents of Advertisement. The county tax collector shall advertise county tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period March 1 through June 30.";

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(4) by adding the following sentence at the end of subsection (c): "Failure to comply with this subsection does not affect the validity of the taxes or tax liens.";

(5) by deleting the words "the advertisement" in the last sentence of subsection (e) and substituting the words "any subsequent advertisement"; and

(6) by deleting the word "decision" in the last sentence of subsection (e) and substituting the word "deletion".

Sec. 2. This act shall become effective January 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1633 CHAPTER 1014

AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-54(d) is amended by deleting that portion of subdivision (2) that follows the first semicolon, substituting a semicolon for the period at the end of subdivision (3) and adding a new subdivision (4) to read:

"(4) Require submission of erosion control plans by those responsible for initiating land-disturbing activities for approval prior to commencement of the activities. As to those activities requiring prior plan approval, the Commission must either approve or disapprove the plan within 30 days of receipt. Failure to approve or disapprove a complete erosion and sedimentation control plan within 30 days of receipt shall be deemed approval. Denial of a plan must specifically state in writing the reasons for denial. The Commission must approve or deny a revised plan within 15 days of receipt, or it is deemed to be approved.

If, following commencement of a land-disturbing activity pursuant to an approved plan, the Commission determines that the plan is inadequate to meet the requirements of this Article, the Commission may require such revisions as are necessary to comply with this act. The Commission must approve or deny the revised plan within 15 days of receipt, or it is deemed to be approved."

Sec. 2. The last sentence of G.S. 113A-54(f) is repealed.

Sec. 3. G.S. 113A-57 is amended by adding a new subdivision (4) to read:

"(4) No person shall initiate any land-disturbing activity if more than one contiguous acre is to be uncovered unless, 30 or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with the agency having jurisdiction."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

S. B. 760

CHAPTER 1015

AN ACT CONCERNING ECONOMIC DEVELOPMENT PROJECTS OF THE TOWN OF LIBERTY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Liberty, being Chapter 579, Session Laws of 1981 is amended by adding a new section to read:

"Sec. 10. Economic development.

(a) As used in this section, the term 'economic development project' means an economic capital development project within a certain defined area or areas of the town as established by the town council comprising one or more lots, buildings, or other improvements and including any public or private facilities. Said project may include programs or facilities for improving downtown redevelopment, 'pocket of poverty' or other federal or State assistance programs which the town council determines to be in need of economic capital development or revitalization and which qualify for capital assistance under applicable federal or State programs.

(b)

(1) In addition to any other authority granted by law, the Town of Valdese may accept grants, expend funds, make grants or loans, acquire property and participate in economic development projects which the town council determines will enhance the economic development and revitalization of the town in accordance with the authority granted herein. Such project may include both public and private lots, buildings, or facilities financed in whole or in part by federal or State grants (including but not limited to urban development action grants) and may include any capital expenditures which the town council finds necessary to comply with conditions in any federal or State grant agreements and which the town council finds will complement the project and improve the public tax base and general economy of the town. Such projects may be partially financed with town funds received from federal or State sources and being granted or loaned to the private owner for said construction or renovation; in addition, other town funds from any sources may be used for acquisition, construction, leasing and operation of facilities by the town for the general public and for capital improvements to public facilities which will support and enhance the private facilities and the general economy of the town.

(2) When the town council finds that it will promote the economic development or revitalization of the town, the town may acquire, construct, and operate or participate in the acquisition, construction, ownership and operation of an economic development project or of specific buildings or facilities within such a project and may comply with any State or federal government grant requirements in connection therewith. The town may enter into binding contracts with one or more private parties or governmental units with respect to acquiring, constructing, owning or operating such a project. Such a contract may, among other provisions, specify the responsibilities of the town and the developer or developers and operators or owners of the project, including the financing of the project. Such a contract may be entered

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into before the acquisition of any real property necessary to the project by the town or the developer or other parties.

(c) An economic development project may be constructed on property acquired by the developer or developers, or on property directly acquired by the town, or on property acquired by the Redevelopment Commission while exercising powers, duties and responsibilities pursuant to G.S. 160A-505.

(d) In connection with an economic development project, the town may convey interests in property owned by it, including air rights over public facilities, as follows:

(1) If the property was acquired under the urban redevelopment law, the property interests may be conveyed in accordance with said law.

(2) If the property was acquired by the town directly, the town may convey property interests by any procedure set forth in its charter or the general law or by private negotiation or sale.

(e) The town may contract for the operation of any public facility or facilities included in an economic development project by a person, partnership, firm or corporation, public or private. In addition, the town, upon consideration, may contract through lease or otherwise whereby it may operate privately constructed parking facilities to serve the general public. Such a contract shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the town."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

S. B. 725 CHAPTER 1016

AN ACT TO AMEND THE GASTONIA FIREMEN'S SUPPLEMENTARY PENSION FUND.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of Chapter 537 of the 1949 Session Laws, as amended by Section 1 of Chapter 51 of the 1975 Session Laws, is rewritten to read:

"Sec. 5. Any full-time paid member of the fire department who retires or is retired under the provisions of Section 4 of Chapter 537 of the 1949 Session Laws shall receive monthly for the rest of his life from the 'Supplementary Pension Fund' an amount equal to four dollars (\$4.00) per month for each year of active service, or major portions thereof, with the Gastonia Fire Department, not to exceed one hundred twenty dollars (\$120.00) per month. If any of the principal amount of the 'Supplementary Pension Fund' is used to pay the increased benefits authorized by this section, the board of trustees, upon recommendation by the custodian of the fund, shall initiate action immediately to adjust the amount of the monthly benefits in order to stabilize the fund."

Sec. 2. None of the provisions of this act shall create an additional liability for the Gastonia Firemen's Supplementary Pension Fund unless current assets are available to the board of trustees to provide for the additional liability.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

S. B. 759

CHAPTER 1017

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FRANKLINVILLE AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Franklinville is revised and consolidated to read:

“THE CHARTER OF THE TOWN OF FRANKLINVILLE.

“ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

“Section 1.1. Incorporation. The Town of Franklinville, North Carolina, in the County of Randolph, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the ‘Town of Franklinville’ hereinafter at times referred to as the ‘Town’.

“Sec. 1.2. Powers. The Town of Franklinville shall have and may exercise all of the powers, duties, rights, privileges and immunities which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of Franklinville specifically, or upon municipal corporations generally, by this Charter, by the North Carolina Constitution, or by general or local law.

“Sec. 1.3. Corporate Limits. The corporate limits of the Town of Franklinville shall be those existing at the time of ratification of this Charter, as the same are set forth in the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Randolph County Register of Deeds and the appropriate board of elections.

“ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS.

“Sec. 2.1. Governing Body. The Mayor and Board of Commissioners, hereinafter referred to at times as the ‘Board’, elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with the general laws of North Carolina, hereinafter referred to at times as the ‘general law’, the Mayor and the Board may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

“Sec. 2.2. Board of Commissioners; Composition; Terms of Office. The Board shall be composed of five members, each of whom shall be elected for a term of four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

“Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of two years, or until his or her successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board. He shall have the right to vote only when there is an equal number of votes in the affirmative and the negative on any question or matter before the Board. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred by the general law, this Charter and the ordinances of the Town.

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“Sec. 2.4 Mayor Pro Tempore. In accordance with applicable general law, the Board shall appoint one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor in the Mayor’s absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the other members of the Board.

“Sec. 2.5. Meetings of the Board. In accordance with the general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held in accordance with the applicable provisions of the general law.

“Sec. 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, and proving of Town ordinances and resolutions shall be in accordance with the applicable provisions of general law not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board.

“Sec. 2.7. Voting Requirements; Quorum. Official actions of the Board and all votes shall be taken in accordance with the applicable voting and quorum provisions of general law, particularly G.S. 160A-74 and G.S. 160A-75.

“Sec. 2.8. Qualifications for Office; Vacancies; Compensation. The compensation of Board members, the filling of vacancies on the Board and the qualifications of Commissioners shall be in accordance with applicable provisions of general law.

“ARTICLE III. ELECTIONS.

“Sec. 3.1. Regular Municipal Elections; Conduct and Method of Elections. Regular municipal elections shall be held in the Town every two years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and Commissioners shall be elected by the voters of the Town on an at-large basis, by the nonpartisan plurality method of election.

“Sec. 3.2. los; Election of the Commissioners loe. The Commissioners serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. Four-year staggered terms for Commissioners shall be implemented in 1985. In the regular municipal election to be held in 1985, the three candidates who receive the highest number of votes shall be elected to serve four-year terms, while the two candidates who receive the next highest number of votes shall be elected for two-year terms. Beginning with the regular municipal election to be held in 1987, and every four years thereafter, two Commissioners shall be elected to serve four-year terms. Beginning with the regular municipal election to be held in 1989, and every four years thereafter, three Commissioners shall be elected to serve four-year terms.

“Sec. 3.3. los; Election of the Mayor loe. The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular municipal election in 1985, and every two years thereafter, there shall be elected a Mayor to serve as provided in Article II of this Charter.

“ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

“Sec. 4.1. los; Form of Government loe. The Town shall operate under the Mayor-Council form of government, in accordance with Part 3, Article 7 of Chapter 160A of the General Statutes.

“Sec. 4.2. Town Clerk. The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain in a safe place all records and documents pertaining to the affairs of the Town, to be the chief administrative official for the Town, and to perform such other duties as may be required by law or as the Board may direct.

“Sec. 4.3. Town Tax Collector. The Board shall appoint a Town Tax Collector to collect all taxes, licenses, fees and other monies owed to the Town, subject to the applicable provisions of general law, this Charter and the ordinances of the Town. The Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes by municipalities.

“Sec. 4.4. Town Attorney. The Board shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the Town attorney to prosecute and defend suits against the Town; to advise the Mayor, Board of Commissioners and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Board; and to perform other duties required by law or as the Board may direct.

“Sec. 4.5. Other Administrative Officers and Employees. Consistent with applicable general law, the Board shall appoint a Budget Officer and a Treasurer, and may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town.”

Sec. 2. The purpose of this act is to revise the Charter of the Town of Franklinville and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(1) Any acts concerning the property, affairs, or government of public schools in the Town of Franklinville.

(2) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act, are hereby repealed:

Chapter 200, Private Laws of 1844-47 (1847)

Chapter 320, Private Laws of 1850-51 (1851)

Chapter 264, Private Laws of 1854-55 (1855)

Chapter 1, Private Laws of 1866-67 (1867)

Chapter 91, Private Laws of 1874-75 (1875)

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Chapter 122, Public-Local Laws of 1911

Order of Municipal Board of Control Incorporating the Town of Franklinville, dated December 19, 1917

Chapter 163, Session Laws of 1969.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act which disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. All existing ordinances and resolutions of the Town of Franklinville and all existing rules or regulations of departments or agencies of the Town of Franklinville not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Franklinville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed, superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1099

CHAPTER 1018

AN ACT TO PROVIDE AN INCOME TAX CREDIT TO FARMERS WHO PERMIT THEIR CROPS TO BE GLEANED.

The General Assembly of North Carolina enacts:

Section 1. Division I of Article 4 of Chapter 105 is amended by adding a new section to read:

“§ 105-130.34. Credit for gleaned crop.—(a) Any corporation that grows a crop and permits the gleaning of the crop shall be allowed a credit against the tax imposed by this Division equal to ten percent (10%) of the market price of the quantity of the gleaned crop. This credit may not exceed the amount of tax imposed by this Division for the taxable year reduced by the sum of all credits allowable under this Division, except tax payments made by or on behalf of the taxpayer. No deduction is allowed under G.S. 105-130.5(b)(5) for the items for which a credit is claimed under this section. Any unused portion of the credit may be carried forward for the succeeding five years.

(b) The following definitions apply to this section:

- (1) ‘gleaning’ means the harvesting of a crop that has been donated by the grower to a nonprofit organization which will distribute the crop to individuals or other nonprofit organizations it considers appropriate recipients of the food;
- (2) ‘market price’ means the season average price of the crop as determined by the North Carolina Crop and Livestock Reporting Service in the Department of Agriculture, or the average price of the crop in the nearest local market for the month in which the crop is gleaned if the Crop and Livestock Reporting Service does not determine the season average price for that crop; and
- (3) ‘nonprofit organization’ means an organization for which contributions are deductible under G.S. 105-130.9 or 105-147(15) or (16).”

Sec. 2. Division II of Article 4 of Chapter 105 is amended by adding a new section to read:

“§ 105-151.12. Credit for gleaned crop.—(a) Any person who grows a crop and permits the gleaning of the crop shall be allowed a credit against the tax imposed by this Division equal to ten percent (10%) of the market price of the quantity of the gleaned crop. This credit may not exceed the amount of tax imposed by this Division for the taxable year reduced by the sum of all credits allowable under this Division, except tax payments made by or on behalf of the taxpayer. No deduction is allowed under G.S. 105-147(15) or (16) for the items for which a credit is claimed under this section. Any unused portion of the credit may be carried forward for the succeeding five years.

(b) The following definitions apply to this section:

- (1) ‘gleaning’ means the harvesting of a crop that has been donated by the grower to a nonprofit organization which will distribute the crop to individuals or other nonprofit organizations it considers appropriate recipients of the food;
- (2) ‘market price’ means the season average price of the crop as determined by the North Carolina Crop and Livestock Reporting Service in the Department of Agriculture, or the average price of the crop in the nearest local market for the month in which the crop is gleaned if the

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Crop and Livestock Reporting Service does not determine the season average price for that crop; and

- (3) 'nonprofit organization' means an organization for which contributions are deductible under G.S. 105-130.9 or 105-147(15) or (16)."

Sec. 3. This act is effective for taxable years beginning on or after January 1, 1984.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

S. B. 14 CHAPTER 1019

AN ACT TO ELIMINATE MANDATORY RETIREMENT AT AGE 70 FOR PERSONS COVERED UNDER THE STATE EMPLOYEES OR LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27(a)(2) and G.S. 135-5(a)(2) are repealed.

Sec. 2. G.S. 116-11(5a) is rewritten to read as follows:

"(5a) The Board of Governors may by resolution provide that, until July 1, 1998, every president, vice-president, and other administrative officer of the University whom it elects and who is not subject to Chapter 126 of the General Statutes, and every chancellor, vice-chancellor, senior academic officer, senior administrative officer, and faculty member who serves a constituent institution or agency of the University and who is not subject to Chapter 126 of the General Statutes, shall retire on July 1 coincident with or next following his seventieth birthday, unless continued in service on a year-to-year basis in accordance with regulations adopted by the Board of Governors."

Sec. 2.1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(27) To Provide Retirement Age. The local board of education may by resolution provide that every administrative officer whom it elects and every certificated personnel who serve that local school administrative unit shall retire on July 1 coincident with or next following their seventieth birthday, unless continued in service on a year-to-year basis in accordance with regulations adopted by the local board of education."

Sec. 3. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

S. B. 817 CHAPTER 1020

AN ACT ALLOWING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A MUNICIPAL STREET AS PART OF THE RIGHT-OF-WAY WHEN IMPROVING A STATE HIGHWAY.

The General Assembly of North Carolina enacts:

Section 1. Article 3A of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-66.7. Authority to include a Municipal Street System street in right-of-way of State Highway System.—(a) Notwithstanding any other provisions of Article 3A of Chapter 1636, the provisions of Article 5 of Chapter 160A, or of any other statute, the Department of Transportation may include all or part of a Municipal Street System street as part of the right-of-way of a State Highway

System street, highway, or bridge whenever the Board of Transportation determines that inclusion of the Municipal Street system street is necessary to improve, relocate, or construct a State Highway System street, highway, or bridge.

(b) Beginning January 1, 1985, the Department may not exercise such authority unless 90 days written notice to the governing body of the affected municipality is provided; and the Department shall hold a public hearing on the issue with 30 days published notice upon the written official request of the governing body received by the Department no less than 45 days after receipt of the notice to the governing body."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

S. B. 848 CHAPTER 1021

AN ACT TO VALIDATE THE FAILURE TO HOLD A SANITARY DISTRICT ELECTION IN 1983.

The General Assembly of North Carolina enacts:

Section 1. Chapter 130A of the General Statutes is amended by adding a section to read:

"§ 130A-52.1. Action if 1983 election not held.—If any sanitary district held an election in 1982 under G.S. 130A-52, but failed to hold the 1983 election, then the persons elected in 1982 shall hold office until the terms that were to begin in 1983 have expired."

Sec. 2. G.S. 130A-53 is amended by deleting "June 1, 1982" and inserting in lieu thereof "July 1, 1984".

Sec. 3. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 370 CHAPTER 1022

AN ACT TO PROVIDE A LICENSING PROGRAM FOR HOSPICES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 131E of the General Statutes is amended by adding a new Article 10, to read:

"ARTICLE 10.

"Hospice Licensure Act.

"§ 131E-200. Title; purpose.—This act shall be known as the 'Hospice Licensure Act'. The purpose of this act is to establish licensing requirements for hospices.

"§ 131E-201. Definitions.—As used in this Article, unless a different meaning or construction is clearly required by the context:

(1) 'Commission' means the North Carolina Medical Care Commission.

(2) 'Department' means the Department of Human Resources.

(3) 'Hospice' means any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A

hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

(4) 'Hospice patient' means a patient diagnosed as terminally ill by a physician licensed to practice medicine in North Carolina, who the physician anticipates to have a life expectancy of weeks or months, generally not to exceed six months, and who alone, or in conjunction with designated family members, has voluntarily requested and been accepted into a licensed hospice program.

(5) 'Hospice patient's family' means the hospice patient's immediate kin, including a spouse, brother, sister, child, or parent. Other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement among the hospice patient, the relation or individual and the hospice team.

(6) 'Identifiable hospice administration' means an administrative group, individual, or legal entity that has an identifiable organizational structure, accountable to a governing board directly or through a chief executive officer. This administration shall be responsible for the management of all aspects of the program.

(7) 'Hospice team' or 'Interdisciplinary team' means the following hospice personnel: physician licensed to practice medicine in North Carolina; nurse holding a valid, current license as required by North Carolina law; social worker; clergy member; and trained hospice volunteer. Other health care practitioners may be included on the team as the needs of the patient dictate or at the request of the physician. Other providers of special services may also be included as the needs of the patient dictate.

(8) 'Palliative care' means treatment directed at controlling pain, relieving other symptoms, and focusing on the special needs of the patient and family as they experience the stress of the dying process, rather than the treatment aimed at investigation and intervention for the purpose of cure or prolongation of life.

"§ 131E-202. Licensing.—(a) The Commission shall adopt rules for the licensing and regulation of hospices pursuant to this Article for the purpose of providing care, treatment, health, safety, welfare, and comfort of hospice patients. These rules shall include, but not be limited to:

- (1) the qualifications and supervision of licensed and nonlicensed personnel;
- (2) the provision and coordination of home and inpatient care, including the development of a written care plan;
- (3) the management, operation, staffing, and equipping of the hospice program;
- (4) clinical and business records kept by the hospice; and
- (5) procedures for the review of utilization and quality of care.

(b) The Department shall provide applications for hospice licensure. Each application filed with the Department shall contain all information requested therein. A license shall be granted to the applicant upon determination by the Department that the applicant has complied with the provisions of this Article and with the rules adopted by the Commission thereunder. Each license shall be issued only for the premises and persons named therein, shall not be

transferable or assignable except with the written approval of the Department, and shall be posted in a conspicuous place on the licensed premises.

(c) The Department shall renew the license in accordance with this Article and with rules adopted thereunder.

“§ 131E-203. Coverage.—(a) Except as provided in subsection (b), no person shall operate or represent himself to the public as operating a hospice without obtaining a license from the Department pursuant to this Article.

(b) Hospices administered by local health departments established under Article 2 of Chapter 130A of the General Statutes shall not be required to be licensed under this Article. Additionally, health care facilities and agencies licensed under Article 5 or 6 of Chapter 131E of the General Statutes shall not be required to be separately licensed under this Article. However, any facility or agency exempted from licensure as a hospice under this subsection shall be subject to rules adopted pursuant to this Article.

(c) Hospice care shall be available 24 hours a day, seven days a week.

“§ 131E-204. Inspections.—The Department shall inspect all hospices that are subject to rules adopted pursuant to this Article in order to determine compliance with the provisions of this Article and with rules adopted thereunder. Inspections shall be conducted in accordance with rules adopted by the Commission.

“§ 131E-205. Adverse action on a license; appeal procedures.—(a) The Department may suspend, revoke, cancel, or amend a license when there has been a substantial failure to comply with this Article or with rules and regulations adopted thereunder.

(b) Chapter 150A of the General Statutes, the Administrative Procedure Act, shall govern all administrative action pursuant to subsection (a) and all judicial review arising therefrom.

“§ 131E-206. Injunction.—(a) Notwithstanding the existence or pursuit of any other remedy, the Department may maintain an action in the name of the State for injunctive relief or other process against any person to restrain or prevent the establishment, conduct, management, or operation of a hospice without a license.

(b) Notwithstanding the provisions of G.S. 131E-203(b) or the existence of any other remedy, the Department may maintain an action in the name of the State for injunctive relief or other process against any person to restrain or prevent substantial noncompliance with this Article or the rules adopted thereunder.

(c) If any person shall hinder the proper performance of duty of the Department in carrying out the provisions of this Article, the Department may institute an action in the superior court of the county in which the hindrance occurred for injunctive relief against the continued hindrance.

“§ 131E-207. Confidentiality.—(a) Notwithstanding G.S. 8-53 or any other law relating to confidentiality of communications between physician and patient, in the course of an inspection conducted under G.S. 131E-204:

(1) Department representatives may review any writing or other record concerning the admission, discharge, medication, treatment, medical condition, or history of any person who is or has been a hospice patient; and

(2) Any person involved in treating a patient at or through a hospice may disclose information to a Department representative unless the patient

objects in writing to review of his records or disclosure of the information. A hospice shall not release any information or allow any inspections under this section without first informing each affected patient in writing of his right to object to and thereby prohibit release of information or review of records pertaining to him.

A hospice, its employees and any other person interviewed in the course of an inspection shall be immune from liability for damages resulting from disclosure of any information to the Department.

(b) The Department shall not disclose:

- (1) any confidential or privileged information obtained under this section unless the patient or his legal representative authorizes disclosure in writing or unless a court of competent jurisdiction orders disclosure; or
- (2) the name of anyone who has furnished information concerning a hospice without that person's consent.

The Department shall institute appropriate policies and procedures to ensure that unauthorized disclosure does not occur. Any Department employee who willfully discloses this information without appropriate authorization or court order shall be guilty of a misdemeanor and upon conviction fined at the discretion of the court but not to exceed five hundred dollars (\$500.00).

(c) All confidential or privileged information obtained under this section and the names of persons providing this information shall be exempt from Chapter 132 of the General Statutes.

Sec. 2. G.S. 131E-176 is amended by adding a new subdivision to read:

“(13.1) ‘Hospice’ means any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.”

Sec. 3. G.S. 131E-176(16) is amended by adding a new sub-subdivision to read:

“n. The construction, development, or other establishment of a hospice if the operating budget thereof is in excess of one hundred thousand dollars (\$100,000) or if there is the obligation of any capital expenditure by or on behalf of the hospice as provided in G.S. 131E-176(16)b.”

Sec. 4. G.S. 131E-136(1) is rewritten to read:

“‘Commission’ means the North Carolina Medical Care Commission.”

Sec. 5. G.S. 143B-142(c)(1) is deleted and subsequent subdivisions renumbered accordingly.

Sec. 6. G.S. 143B-165 is amended by adding a new subdivision to read as follows:

“(11) The Commission is authorized to adopt such rules as may be necessary to carry out the provisions of Part C of Article 6, and Article 10, of Chapter 131E of the General Statutes of North Carolina.”

Sec. 7. Notwithstanding the effective date of this act, the commission shall have the authority, as provided in G. S. 131E-202, to commence the rulemaking process as defined in G.S. 150A, the Administrative Procedure Act, upon ratification of this act.

Sec. 8. This act shall be effective from November 1, 1984, through June 30, 1987.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 88 CHAPTER 1023

AN ACT TO RAISE THE ANNUAL GIFT TAX EXCLUSION FROM THREE THOUSAND DOLLARS TO TEN THOUSAND DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. The first two sentences of G.S. 105-188(d) are rewritten to read:

“Gifts not exceeding a total value of ten thousand dollars (\$10,000) made to any one donee in a calendar year are not taxable under this Article. When gifts exceeding a total value of ten thousand dollars (\$10,000) are made to any one donee in a calendar year, only the portion of the gifts exceeding ten thousand dollars (\$10,000) in value is taxable under this Article. This exclusion does not apply to gifts of future interests in property.”

Sec. 2. The last sentence of G.S. 105-2(3) is amended by deleting the phrase “three thousand dollars (\$3,000)” and inserting in lieu thereof the phrase “ten thousand dollars (\$10,000)”.

Sec. 3. This act is effective upon ratification and applies to gifts and transfers made on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 104 CHAPTER 1024

AN ACT TO ALLOW ONE SPOUSE TO APPLY BOTH HIS GIFT TAX ANNUAL EXCLUSION AND HIS SPOUSE'S ANNUAL EXCLUSION TO GIFTS MADE TO ANYONE OTHER THAN HIS SPOUSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-188(d) is amended by adding a new paragraph to read:

“When a gift is made by one spouse to a person other than the donor's spouse, the donor may claim both the donor's annual exclusion and the spouse's annual exclusion provided that both spouses consent.”

Sec. 2. This act is effective upon ratification and applies to gifts made on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 650

CHAPTER 1025

AN ACT TO PROVIDE A FUEL TAX REFUND TO SOLID WASTE COMPACTING VEHICLES FOR THE AMOUNT OF FUEL CONSUMED BY THE VEHICLE IN COMPACTING WASTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-446.5 is rewritten to read:

"§ 105-446.5. Refund of taxes paid on motor fuels used by concrete mixing vehicles and solid waste compacting vehicles.—(a) Refund. Any person who purchases and uses motor fuels in a concrete mixing vehicle or a solid waste compacting vehicle shall be reimbursed at the rate of thirty-three and one-third percent (33-1/3%) of eleven cents (11c) per gallon of the tax levied under this Article for the motor fuels tax paid on the amount of fuel consumed by the vehicle in its mixing or compacting operations, as distinguished from propelling the vehicle.

(b) Application. Application for reimbursement for the preceding calendar year shall be filed with the Secretary of Revenue on or before April 15th. The application shall state whether or not the applicant has filed a North Carolina income tax return for the preceding taxable year, and shall state that the applicant has paid for the fuel for which a refund is claimed or that payment for the fuel has been secured to the seller's satisfaction. Applications filed with the Secretary within six months of the date the return is due shall be accepted, but the amount of the refund shall be reduced by twenty-five percent (25%) if the application is filed within 30 days after the date the return is due, and shall be reduced by fifty percent (50%) if the application is filed more than 30 days but less than six months after the date the return is due.

(c) Administration. If the Secretary of Revenue determines that an application for refund is correct, he shall issue the applicant a warrant upon the State Treasurer for the amount of the refund. If the Secretary determines that an application for refund is incorrect, he shall send notice of his determination to the applicant, which notice shall state a time and place for a hearing. If, upon holding the hearing, the Secretary finds the applicant has collected or sought to collect a refund for fuel used to propel a vehicle, he shall reject the application in its entirety, and the applicant shall be required to pay back all taxes refunded to him on the basis of the rejected application. The applicant may seek review of the Secretary's decision under G.S. 105-241.2, 105-241.3 and 105-241.4."

Sec. 2. This act is effective upon ratification and applies to taxes on motor fuels purchased on or after January 1, 1984.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1526 CHAPTER 1026

AN ACT TO PERMIT REGULATION OF SAND DUNES BY KITTY HAWK, KILL DEVIL HILLS, NAGS HEAD AND SOUTHERN SHORES.

The General Assembly of North Carolina enacts:

Section 1. Sand dunes are a unique topographical feature of Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores that are a tourist attraction and protect the towns from the danger of flooding and erosion. Therefore, to promote the health, safety and general welfare of their residents, these towns may by ordinance define, prohibit, or regulate acts, omissions, or conditions that damage, destroy, or remove any sand dune or kill, destroy, or remove any vegetation growing on any sand dune. Nothing herein shall be construed to allow the adoption of an ordinance that affects the emergency maintenance and repair provisions of G.S. 113A-103(5)b.5 or that affects any rules adopted by the North Carolina Coastal Resources Commission dealing with oceanfront erosion control.

Sec. 2. This act applies only to the Towns of Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1583 CHAPTER 1027

AN ACT TO PERMIT THE GRANVILLE COUNTY COMMISSIONERS TO REGULATE SHINING LIGHTS IN DEER AREAS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 113-29.1(e1) and (e2), to promote the health, safety, and general welfare of its people, the county commissioners of Granville County may by ordinance regulate or prohibit any person from intentionally shining a light upon a deer or intentionally sweeping a light in search of a deer in the county between the hours of one-half hour after sunset and 11:00 p.m.

Sec. 2. Section 6 of Chapter 108, Private Laws of 1907 is repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1615 CHAPTER 1028

AN ACT AUTHORIZING THE CITY OF LUMBERTON TO LEVY A TRANSIENT OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

Section 1. Section 37 of Chapter 908 of the 1983 Session Laws is amended by deleting the second sentence of that section and substituting the following:

“Except in the City of Lumberton, this tax applies to the rental of accommodations subject to sales tax under G.S. 105-164.4(3) and to the rental of all private residences and cottages, regardless whether the residence or cottage

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is rented for less than 15 days. In the City of Lumberton, this tax applies only to the rental of accommodations subject to sales tax under G.S. 105-164.4(3).”

Sec. 2. Section 44 of Chapter 908 of the 1983 Session Laws is amended by adding the City of Lumberton in the appropriate alphabetical order.

Sec. 3.1. The second sentence of Section 40 of Chapter 908, Session Laws of 1983, is amended by deleting “As” and inserting in lieu thereof “Except in the City of Lumberton, as”.

Sec. 3.2. Section 40 of Chapter 908, Session Laws of 1983, is amended by adding the following at the end:

“In the City of Lumberton, these funds may be used only as follows:

(1) fifty percent (50%) of the funds may be used only for ‘tourism related expenditures’. As used in this act, the term ‘tourism related expenditures’ includes the following type of expenditures:

Criminal justice system, fire protection, public facilities and utilities, health facilities, and solid waste and sewage treatment.

These funds may not be used for services normally provided by the city on behalf of its citizens unless these services promote tourism and enlarge its economic benefits by enhancing the ability of the city to attract and provide for tourists.

(2) fifty percent (50%) of the funds must be used to promote travel and tourism and must be used to plan, construct, operate, maintain, or in any way promote a civic center, convention center, public auditorium or like facility that may now be in existence or built in the future.”

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1625

CHAPTER 1029

AN ACT TO INCORPORATE THE TOWN OF SHALLOTTE POINT,
SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. A charter for the Town of Shallotte Point is enacted to read:

“CHAPTER I.

“INCORPORATION AND CORPORATE POWERS.

“Sec. 1.1. Incorporation. The inhabitants of the Town of Shallotte Point are a body corporate and politic under the name of Town of Shallotte Point. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

“CHAPTER II.

“CORPORATE BOUNDARIES.

Sec. 2.1. Town Boundaries. Until modified in accordance with law, the boundaries of the Town of Shallotte Point are as follows:

Including all that land found in Shallotte Township, Brunswick County, North Carolina which is more particularly described as follows:

BEGINNING at a point in Saucepan Creek where it is intersected by a line perpendicular to the western right-of-way line of NC State Road 1150; running thence along the western right-of-way line of SR 1150 to the point where said right-of-way line intersects the southern right-of-way line of SR 1152; running thence west along the southern right-of-way line of SR 1152 to the point where

said right-of-way is intersected by the eastern right-of-way of SR 1151; running thence along said eastern right-of-way north to a point 500 feet from the point from where said right-of-way intersects the western right-of-way of SR 1145; running thence north along a line parallel to the western right-of-way of SR 1145 and being always 500 feet from said right-of-way to a point 500 feet north of the point where the western right-of-way of SR 1145 intersects the northern right-of-way of SR 1146; running thence east along the line parallel to SR 1146 and being always 500 feet from said right-of-way to a point where said right-of-way is intersected by the Shallotte River; running thence along the low water mark of the Shallotte River south to the Intracoastal Waterway; thence down the Intracoastal Waterway to the point of beginning; but also including that area known as Monk Island.

“CHAPTER III.

“GOVERNING BODY.

“Sec. 3.1. Structure. The governing body of the Town of Shallotte Point is the Board of Aldermen which has five members, and the mayor.

“Sec. 3.2. Election. The qualified voters of the entire Town of Shallotte Point shall elect the members of the Board.

“Sec. 3.3. Term of Office. Members of the Board are elected to four-year terms, except that in the initial election in 1985, only the top two vote getters will serve a four-year term. The three remaining elected Aldermen will serve two-year terms.

“Sec. 3.4. Mayor. The qualified voters of the entire Town of Shallotte Point shall elect the mayor. He is elected to a four-year term of office.

“CHAPTER IV.

“ELECTIONS.

“Sec. 4.1. Election Method. Town officials shall be nominated and elected on a nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292.

“CHAPTER V.

“ADMINISTRATION.

“Sec. 5.1 Form of Government. The Town of Shallotte Point will operate under the mayor-council plan as provided in G.S. Chapter 160A, Article 7, Part 3.”

Sec. 2. Interim budget. The Board of Aldermen may adopt a budget ordinance for the 1984-85 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. If the initial budget is adopted after January 1, 1985, then taxes may be paid at par on face amount within 90 days of adoption of the budget, and thereafter according to the schedule in G.S. 105-360 as if the taxes had been due on September 1, 1984.

Sec. 2.1. The following persons are appointed the initial mayor and board of aldermen of the Town of Shallotte Point: Mayor - W.A. English; members of board of aldermen - Olaf Thorsen, G.W. Hughes, Jr., Moore Gore, Rozell Hewett, and Cora Leyman. The interim mayor and board of aldermen serve until the mayor and members of the board of aldermen elected in the 1985 town election take office.

Sec. 3. Special election for approval. (a) The Board of Elections of Brunswick County is hereby authorized and directed to call and conduct a special election on a date to be set by the Brunswick County Board of

Commissioners not earlier than 60 days after ratification of this act but not later than 100 days after ratification of this act for the purpose of submitting to the qualified voters of the area heretofore described as the proposed corporate limits of the Town of Shallotte Point, the question of whether or not such area shall be incorporated as a municipal corporation known as the Town of Shallotte Point. In conducting the election required to be held by this act, the Board of Elections of Brunswick County shall follow the procedures contained in G.S. 163-288.2, in this act, and the procedures contained in Chapter 163 of the General Statutes regarding municipal elections, where the same are not in conflict with this act, except that notice of the election shall be given not later than 10 days before the registration books close.

(b) In the special election, those voters who favor the incorporation of the Town of Shallotte Point as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of the Town of Shallotte Point"; and those voters who are opposed to the incorporation of the Town of Shallotte Point as provided in this act shall vote a ballot upon which shall be printed the words "AGAINST Incorporation of the Town of Shallotte Point".

If the majority of the votes cast in such special election shall be cast "AGAINST Incorporation of the Town of Shallotte Point", then the provisions of Sections 1, 2, and 2.1 of this act shall have no force and effect.

If a majority of the votes cast in the special election shall be cast "FOR Incorporation of the Town of Shallotte Point", then the provisions of this act shall be in full force and effect from and after the date upon which the Brunswick County Board of Elections determines the result of the election.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1632 CHAPTER 1030

AN ACT TO PERMIT THE PURCHASE OF RETIREMENT SERVICE CREDITS IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR PRIOR PART-TIME SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-4 is amended by adding a new subsection to read:

"(p1) Part-Time Service Credit. Notwithstanding any other provision of this Chapter, upon completion of 10 years of membership service, any member may purchase service previously rendered as a part-time teacher or employee of the State, except for temporary or part-time service rendered while a full-time student in pursuit of a degree or diploma in a degree-granting program. Payment shall be made in a single lump sum in an amount equal to the full actuarial cost of providing credit for the service, together with interest and an administrative fee, as determined by the Board of Trustees on the advice of the Retirement System's actuary. Notwithstanding the provisions of G.S. 135-4(b), the Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year, as based on compensation, is equivalent to one year of service in proportion to 'earnable compensation', but in no case shall more than one year of service be creditable for all service in one year. Service rendered for the regular school year in any district shall be equivalent to one year's service."

Sec. 2. This act shall become effective January 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. B. 1681 CHAPTER 1031

AN ACT TO MERGE THE UNIFORM JUDICIAL, UNIFORM SOLICITORIAL AND UNIFORM CLERKS OF SUPERIOR COURT RETIREMENT SYSTEMS INTO THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 135 of the General Statutes is amended by rewriting the title to read "Consolidated Judicial Retirement Act".

Sec. 2. G.S. 135-50(a) is amended by deleting the phrase "Uniform Judicial Retirement Act of 1973" and by substituting the phrase "Consolidated Judicial Retirement Act".

Sec. 3. G.S. 135-50(b) is rewritten to read:

"(b) The purpose of this Article is to improve the administration of justice by attracting and retaining the most highly qualified talent available within the State to the positions of justice and judge, district attorney and solicitor, and clerk of superior court, within the General Court of Justice."

Sec. 4. G.S. 135-51 is rewritten to read:

"§ 135-51. Scope.—(a) This Article provides consolidated retirement benefits for all justices and judges, district attorneys, and solicitors who are serving on January 1, 1974, and who become such thereafter; and for all clerks of superior court who are so serving on January 1, 1975, and who become such thereafter.

(b) For justices and judges of the appellate and superior court divisions of the General Court of Justice who so served prior to January 1, 1974, the provisions of this Article supplement and, under certain circumstances, replace the provisions of Articles 6 and 8, as the case may be, of Chapter 7A of the General Statutes.

For district attorneys and judges of the district court of the General Court of Justice who so served prior to January 1, 1974, the provisions of this Article supplement and, under certain circumstances, replace the provisions of Article 1 of this Chapter.

For clerks of superior court of the General Court of Justice who so served prior to January 1, 1975, the provisions of this Article supplement and, under certain circumstances, replace the provisions of Article 1 of this Chapter.

(c) The retirement benefits of any person who becomes a justice or judge, district attorney, or solicitor on and after January 1, 1974, or clerk of superior court on and after January 1, 1975, shall be determined solely in accordance with the provisions of this Article."

Sec. 5. G.S. 135-53 is amended by adding a new subdivision (4.1) to read:

"(4.1) 'Clerk of superior court' shall mean the clerk of superior court provided for in G.S. 7A-100(a)."

Sec. 6. G.S. 135-53(5) is amended by inserting after the word "judge" and before the period the phrase "or district attorney, or clerk of superior court".

Sec. 7. G.S. 135-53 is amended by adding a new subdivision (6.1) to read:

"(6.1) 'District attorney' shall mean the district attorney or solicitor provided for in G.S. 7A-60."

Sec. 8. G.S. 135-53(12) is rewritten to read:

“(12) ‘Membership service’ shall mean service as a judge, district attorney, or clerk of superior court rendered while a member of the Retirement System.”

Sec. 9. G.S. 135-53(13) is amended by inserting between the phrases “judges of the district court division” and “of the General Court of Justice” the phrase “, and district attorney, and clerk of superior court”.

Sec. 10. G.S. 135-53(18) is amended by deleting the phrase “Uniform Judicial Retirement System” and substituting the phrase “Consolidated Judicial Retirement System”.

Sec. 11. G.S. 135-54 is amended in the first paragraph by inserting between the phrases “for justices and judges” and “of the General Court of Justice” the phrase “, district attorneys, and clerks of superior court”; and is further amended in the second paragraph by deleting the word “Uniform” and substituting the word “Consolidated”.

Sec. 12. G.S. 135-55(a) is amended by inserting immediately after the word “judges” wherever it appears the phrase “and district attorneys”; and is further amended in subdivision (1) by deleting the word “and”; and is further amended in subdivision (2) by deleting the period and substituting a semicolon; and is further amended by adding two new subdivisions (3) and (4) to read:

“(3) All clerks of superior court in office on January 1, 1975; and

(4) All persons who become clerks of superior court or reenter service as clerks of superior court after January 1, 1975.”

Sec. 13. G.S. 135-55(b)(1) is amended after the phrase “no longer a judge” and before the comma by inserting the phrase “, district attorney or clerk of superior court”.

Sec. 14. G.S. 135-56(a) is amended by deleting the word “member’s” and substituting the word “judge’s” and by deleting the word “member” and substituting the word “judge”.

Sec. 15. G.S. 135-56 is amended by adding new subsections (c) and (d) to read:

“(c) On and after January 1, 1984, the creditable service of a member who was a member of the former Uniform Solicitorial or Uniform Clerks of Superior Court Retirement Systems at the time of merger of those Systems into this Consolidated Judicial Retirement System and whose accumulated contributions are transferred from those Systems to this System, includes service that was creditable in the Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems; and membership service with those Retirement Systems is membership service with this Retirement System.

(d) Any member may purchase creditable service for service as a judge, district attorney, or clerk of superior court, when not otherwise provided for in this section, and as a judge of any lawfully constituted court of this State inferior to the superior court, not to include service as a magistrate, justice of the peace or mayor’s court judge. The member, after the transfer of any accumulated contributions from the Teachers’ and State Employees’ Retirement System or Local Governmental Employees’ Retirement System, shall pay an amount equal to the full cost of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the System’s liabilities, taking into account the additional retirement allowance arising on account of the additional service credit commencing at the earliest age at which the member could retire with an unreduced retirement allowance

as determined by the Board of Trustees upon the advice of the consulting actuary.”

Sec. 16. G.S. 135-56.1 is repealed.

Sec. 17. G.S. 135-58(a)(3) is rewritten to read:

“(3) Three percent (3%) of his final compensation, multiplied by the number of years of his creditable service rendered as a judge of the district court, district attorney, or clerk of superior court.”

Sec. 18. G.S. 135-58(b) is amended by deleting the phrase “in service as a judge” wherever it appears and substituting the phrase “in membership service”.

Sec. 19. G.S. 135-60(a) is amended by deleting the word “judge” and substituting the word “member”.

Sec. 20. G.S. 135-62 is amended by deleting the phrase “to be a judge” wherever it appears and substituting the phrase “membership service”.

Sec. 21. G.S. 135-70(a) is amended by deleting the phrase “whose service as a judge” and substituting the phrase “whose membership service”.

Sec. 22. G.S. 135-71(a) is amended by deleting the phrase “return to service as a justice or judge” and substituting the phrase “return to membership service”.

Sec. 23. G.S. 135-72 is amended by deleting the phrase “as a justice, judge or magistrate” wherever it appears and substituting the phrase “as a judicial officer”.

Sec. 24. Article 4A and 4B of Chapter 135 of the General Statutes are repealed and the assets and liabilities of the former Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems shall be transferred to the Consolidated Judicial Retirement System in the amounts calculated and in order of precedence as follows: (1) the accumulated contributions of members of the former Systems shall be transferred from the annuity savings funds of the former Systems to the annuity savings fund of the Consolidated Judicial Retirement System to the credit of each individual member; and, (2) all reserves held in the pension accumulation funds of the former Systems shall be transferred to the pension accumulation fund of the Consolidated Judicial Retirement System.

Sec. 25. Any and all accrued or inchoate rights of members and beneficiaries of the former Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems shall, from and after the effective date of this act, be transferred to the Consolidated Judicial Retirement System and all benefits and allowances shall be payable by the Consolidated Judicial Retirement System.

Sec. 26. This act shall become effective January 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

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H. B. 158 **CHAPTER 1032**

AN ACT TO INCREASE THE INHERITANCE TAX CREDIT FOR CLASS A BENEFICIARIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-4(b)(1) is amended by deleting the phrase “three thousand one hundred fifty dollars (\$3,150)” and inserting in lieu thereof the phrase “four thousand six hundred fifty dollars (\$4,650)”.

Sec. 2. This act shall become effective July 1, 1985, and shall apply to the estates of decedents dying on or after that date.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 1768 **CHAPTER 1033**

AN ACT REGARDING THE LETTING OF CONTRACTS FOR AIRPORT CONSTRUCTION AND REPAIR.

The General Assembly of North Carolina enacts:

Section 1. Article 7 of Chapter 63 of the General Statutes is amended by adding a new section to read:

“§ 63-73. Letting of contracts for airport construction and repair.— All contracts that the Department of Transportation may let for construction or repair or maintenance necessary to carry out the provisions of this Article shall be let in accordance with the provisions of G.S. 136-28.1.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 80 **CHAPTER 1034**

AN ACT TO MODIFY CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA STATE GOVERNMENT FOR THE 1984-85 FISCAL YEAR AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

Sec. 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the State Budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act or this act, the savings shall revert to the appropriate fund at the end of the biennium.

An outline of the provisions of the act follows this section. The outline shows the heading “—CONTENTS/INDEX—” and it lists by general category the captions for the various sections and groups of sections that make up the act.

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Sec. 2. The amounts appropriated from the Highway Fund for the 1984-85 fiscal year in the 1984-85 column of the schedule in Section 3 of Chapter 761 of the 1983 Session Laws are repealed, and appropriations from the Highway Fund for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of transportation-related activities are made for the fiscal year ending June 30, 1985, according to the following schedule:

Current Operations - Highway Fund		1984-85
Department of Transportation		
01. Administration	\$	16,831,051
02. Highways		
a. (01) Administration and Operations		18,869,528
(02) Public Transportation		500,000
b. State Construction		
(01) Primary Construction		1,500,000
(02) Secondary Construction		45,490,000
(03) Urban Construction		29,500,000
(04) Access and Public Service Roads		2,000,000
c. State Funds to Match		
Federal Highway Aid		
(01) Construction		64,088,249
(02) Planning Survey and Highway Planning Research		734,006
d. State Maintenance		
(01) Primary		60,964,085
(02) Secondary		112,057,391
(03) Urban		15,667,129
(04) Contract Resurfacing		78,571,762
e. Ferry Operations		10,114,459
f. State Aid to Municipalities		45,090,000
g. Employers' Contributions for Administration, Highway Operations Administration, Division of Motor Vehicles and Equipment Unit		
(01) Social Security		3,115,188
(02) Retirement		4,515,650
(03) Hospital/Medical Insurance		1,428,265
03. Division of Motor Vehicles		37,877,653
04. Governor's Highway Safety		

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Program	282,871
05. Salary Adjustments for Highway Fund Employees	200,000
06. Debt Service	38,401,500
07. Reserve for Hospital Medical Benefits for Retirees	1,873,000
07.(A) Reserve for State Law Enforcement Officers Retirement Transfer	720,000
08. Reserve for Cost-of-Living Salary Increase	31,754,300
09. Reserve to Correct Occupational Safety and Health	350,000
10. Reserve for Increase in Retirement Allowances	827,500
Appropriations for Other State Agencies	
01. Crime Control & Public Safety	50,050,482
a. Reserve for Salary Adjustment for Certain Members of Highway Patrol	2,040,000
02. Other Agencies	
a. Department of Agriculture	1,741,158
b. Department of Commerce	619,165
c. Department of Revenue	1,087,547
d. Department of Human Resources	246,604
e. Department of Correction	1,750,000
f. Department of Public Education-Driver Training Program	18,300,000
Contingencies and Emergency Fund	100,000
GRAND TOTAL CURRENT OPERATIONS - HIGHWAY FUND	\$ 699,258,543

PART II.—CAPITAL IMPROVEMENTS/HIGHWAY FUND

Sec. 3. The items and amounts appropriated for the 1984-85 fiscal year from the Highway Fund in the schedule in Section 5 of Chapter 757 of the 1983 Session Laws are reenacted, and additional appropriations are made from the Highway Fund for use by State institutions, departments and agencies to provide for capital improvement projects according to the following schedule:

Capital Improvements 1984-85

a. Renovate Motor Vehicles Building	\$ 549,000
b. Complete Mann's Harbor Ferry Facility	4,700,000
c. Renovations and Improvements to	

Division, Maintenance, Equipment and Other Highway Facilities	2,020,000
d. Highway Patrol Driving Track	1,308,000
e. Highway Patrol - Renovations to Training Center	600,000
f. Maintenance and Equipment Complex - Goldsboro	3,000,000
GRAND TOTAL CAPITAL IMPROVEMENTS - HIGHWAY FUND	\$12,177,000
PART III—APPROPRIATION OF FEDERAL BLOCK GRANT FUNDS —APPROPRIATION OF FEDERAL BLOCK GRANT FUNDS	

Sec. 4. Effective July 1, 1984, appropriations from federal block grant funds are made for the fiscal year ending June 30, 1985, according to the following schedule:

Department of Human Resources

01. Division of Mental Health, Mental Retardation, and Substance Abuse Services - Alcohol and Drug Abuse and Mental Health Services Block Grant \$ 9,920,804
02. Division of Health Services
 - a. Maternal and Child Health Services Block Grant \$ 12,530,310
 - b. Preventive Health and Health Services Block Grant \$ 2,684,621
03. Division of Social Services
 - a. Social Services Block Grant \$ 68,440,031
 - b. Low Income Energy Assistance Block Grant \$ 39,300,000

Total Department of Human Resources \$132,875,766

Department of Natural Resources and
Community Development

01. Community Services Block Grant \$ 8,613,640
02. Community Development Block Grant \$ 42,435,100

Total Department of Natural Resources and
Community Development \$ 51,048,740

Department of Public Education

01. Education Consolidation and Improvement Act Chapter II \$ 11,258,157

Total Federal Block Grants \$195,182,663

—FEDERAL BLOCK GRANTS

Sec. 5. (a) The federal block grant funds appropriated in Section 4 of this act shall be spent in accordance with the plans submitted to the 1983 General Assembly (Regular Session, 1984) by the Governor with the following exceptions:

Department of Human Resources

- (1) Alcohol, Drug Abuse, and Mental Health Block Grant - Sixty thousand dollars (\$60,000) shall be allocated to early intervention programs for emotionally disturbed children. One hundred thirty-eight thousand dollars (\$138,000) shall be allocated to group homes for emotionally disturbed children. One hundred sixty-nine thousand

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eight hundred forty-seven dollars (\$169,847) shall be allocated to crisis stabilization programs. All of these funds are net increases in program funds and shall not be used to supplant other money currently being used for these purposes.

- (2) Low Income Energy Assistance Block Grant - Administrative cost shall be limited to no more than three million dollars (\$3,000,000). Any administrative savings achieved may be reallocated to increase services under other parts of this block grant. Savings in administrative costs achieved by a county may be reallocated by that county to increase services under other parts of this block grant.
- (3) Social Services Block Grant - State administrative cost is limited to two million five hundred thousand dollars (\$2,500,000) excluding day care. Administrative cost for day care is limited to nine hundred fifty-nine thousand eight hundred sixty-eight dollars (\$959,868).

PART IV.—PUBLIC SCHOOLS

—SALARY ADJUSTMENT FOR CERTIFICATED PUBLIC SCHOOL EMPLOYEES

Sec. 6. In addition to the ten percent (10%) salary increase granted to public school employees pursuant to Section 206 of this act, certificated public school employees shall receive a salary grade classification increase resulting in an additional four and eight-tenths percent (4.8%) pay increase (not compounded) for a total pay increase of fourteen and eight-tenths percent (14.8%).

—COMPETENCY PROGRAMS BUDGETED LIKE PILOT PROGRAMS

Sec. 7. The Competency Development K-12 and the Competency Testing/Measurement programs of the State Board of Education are subject to the provisions of Section 12 of Chapter 761 of the 1983 Session Laws.

—COMPETENCY TESTING/MEASUREMENT

Sec. 8. It is the intent of the General Assembly that the changes in the testing programs shall be based on the foundation established by the currently funded Annual Testing program, shall not duplicate programs, and shall result in more objective information being available for decisions about student assignment and promotion. It is further the intention of the General Assembly that achievement-type tests already available on the commercial market shall be purchased to evaluate students at grades 3, 6, and 9 beginning immediately in the basic areas not included in the Annual Testing program, and that the future development of competency type tests for use in North Carolina shall include the use of commercial-type materials and instruments, where available and appropriate, and that duplication shall not occur. Any test development activities using these funds should be cost effective in comparison to the purchase of commercial-type tests. Lastly, it is the intent of the General Assembly that the appropriation of one million one hundred forty-six thousand five hundred dollars (\$1,146,500) in Section 2, Chapter 971 of the 1983 Session Laws, for development of the competency-based testing programs shall utilize currently available positions in the State Department of Public Instruction, including those administering the Annual Testing Program, and in addition may be used for external contractual services, without the addition of new positions.

—EXTEND EMPLOYMENT OF SCIENCE AND MATH TEACHERS

Sec. 9. Funds are appropriated to the Department of Public Education in Section 2 of Chapter 971, Session Laws of 1983, to employ 700 science and mathematics teachers in grades 9 through 12 for six weeks during the summer of 1985. These funds shall be expended only to employ science and mathematics teachers who are teaching summer school or who are engaged in classroom-related activities and the controller of the State Board shall verify that they are expended only for that purpose, and shall report to the General Assembly the number of such teachers who taught summer school and the length of time each taught and the number who did not teach.

Any funds not expended shall revert to the General Fund.

—SCHOLARSHIP LOAN FUND FOR PROSPECTIVE TEACHERS

Sec. 10. Of the funds appropriated to the Department of Public Instruction in Section 2 of Chapter 971, Session Laws of 1983, the sum of four hundred thousand dollars (\$400,000) shall be allocated to the Scholarship Loan Fund for Prospective Teachers established by G.S. 116-171. These funds shall be used to provide 200 scholarship loans at two thousand dollars (\$2,000) each during the 1984-85 school year. It is the intent of the General Assembly to appropriate sufficient funds for this purpose in future fiscal years to continue each scholarship for four school years and to provide 200 new scholarships every school year through 1987-88; thus, beginning with the 1987-88 school year, 800 scholarships would be provided each school year. All scholarships provided pursuant to this section shall be subject to the provisions of Article 18 of Chapter 116 of the General Statutes except as otherwise provided in this section and except that the criteria for awarding scholarships shall be measures of academic performance including grade point average, scores on standardized tests, class rank, and recommendations of guidance counselors. Also, an equal number of scholarships shall be awarded in each of the State's congressional districts.

—SCHOLARSHIP LOAN FUND FOR PROSPECTIVE TEACHERS

Sec. 10.1. G.S. 116-171 through 116-174 are transferred to Chapter 115C and redesignated as Article 32A, G.S. 115C-468 through 115C-471.

Sec. 10.2. G.S. 105A-2(1) is amended by adding a new subpart "o" to read as follows:

"o. The State Board of Education through the Superintendent of Public Instruction when in the performance of his duties of administering the Scholarship Loan Fund for Prospective Teachers enabled by Chapter 115C, Article 32A."

—FUNDS TO REDUCE CLASS SIZE

Sec. 11. The funds to reduce class size appropriated to the Department of Public Education in Section 2 of Chapter 971, Session Laws of 1983, shall be used to reduce the allocation formula for grades 4 through 6 from one teacher for every 30 students in average daily membership to one teacher for every 26 students in average daily membership. These funds shall not be used for administrative purposes or for any purpose except to provide additional teachers to reduce class size for grades 4 through 6 as provided in this section.

Each local board of education shall organize the schools and assign teachers so that the average ratio of teachers to students in each of the grades 4 through 6 in its local school administrative unit is no more than one to 26. At all times during the school year and the school day, the local board shall assure

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that the number of students assigned to each class and the number being taught on a regular basis in each class are such that this average ratio is not exceeded.

Sec. 12. G.S. 115C-301(d)(2) is amended by deleting the subdivision and substituting the following:

“(2) No more than 29 students per teacher in average daily membership for grades four through six.

(2a) No more than 33 students per teacher in average daily membership for grades seven and eight.”

Sec. 13. G.S. 115C-301(d) is amended by adding a new sentence at the end to read: “At no time shall the number of students assigned to a class or being taught on a regular basis in a class exceed these class size maximums. Provided provisions of G.S. 115C-301(d)(3) and G.S. 115C-47(10) shall still apply.”

—STUDENT INFORMATION SYSTEM PILOT PROGRAM

Sec. 14. Funds appropriated to the Department of Public Education in Section 2 of Chapter 971, Session Laws of 1983, include funds for a pilot Student Information System to reduce the time teachers spend on record keeping of student information. This pilot program shall be administered so as to provide microcomputers at an equal number of schools in each congressional district.

—SCIENCE AND MATH EQUIPMENT K-12

Sec. 15. Of the funds appropriated to the Department of Public Education in Section 2, Chapter 971 of the 1983 Session Laws, the sum of five million four hundred forty-six thousand five hundred fifteen dollars (\$5,446,515) is allocated for science and math materials and equipment for kindergarten through grade 12. These funds shall be allocated on an equitable basis per pupil in average daily membership to the extent funds are sufficient to do so, as follows: math and science in kindergarten through grade six, two dollars (\$2.00); math, grades 7-8, two dollars and fifty cents (\$2.50); science, grades 7-8, four dollars and fifty cents (\$4.50); and science in grades 9-12, six dollars (\$6.00).

—CENTRALIZED PAYROLL SYSTEM FOR PUBLIC SCHOOLS

Sec. 16. (a) G.S. 115C-12 is amended by adding a new subdivision to read:

“(18) Duty to Develop and Implement a Centralized Payroll System. The State Board of Education shall develop and implement a centralized payroll system for the public schools. Beginning with the 1985-86 school year, all State-funded, certified employees of the public schools shall be paid through this system. No later than the 1986-87 school year, all noncertified employees of the public schools shall be paid through this system. All payments shall be made by electronic funds transfer from the General Fund to a financial institution at which the employee has an account. At the end of the first pay period of each calendar year, each employee shall receive a statement of his salary grade and step and his annual salary.

Local boards of education may elect to pay employees paid from non-State funds and to pay local supplements through the centralized payroll system.”

(b) Effective July 1, 1985, the first paragraph of G.S. 115C-47(21) is amended to read:

“(21) To Pay School Employees. It is the duty of every local board of education to provide for the prompt monthly payment of all salaries due

teachers and other school officials and employees, and of all current bills and other necessary operating expenses. Local boards shall provide the State Board with any information needed by it to ensure the prompt monthly payment of employees of local boards who are paid through the centralized payroll system established under G.S. 115C-12(18). All salaries and bills shall be paid as provided by law for disbursing State and local funds.”

(c) Effective July 1, 1985, the first sentence of the third paragraph of G.S. 115C-47(21) is amended to read:

“For employees not paid through the centralized payroll system, the authority for local boards of education to issue salary vouchers shall be a monthly payroll prepared on forms furnished by the State Board of Education and containing all information required by the controller of the State Board of Education.”

(d) The State Board of Education shall report to the Joint Legislative Commission on Governmental Operations by December 1, 1984, on its progress in developing the centralized payroll system mandated in subsection (a) of this section. It shall also report any statutory changes it would need to implement the system. The State Board shall make a final implementation report on the system for certified employees by April 1, 1985, to the President of the Senate, the Speaker of the House, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the House, the Majority Leader of the Senate and the Chairmen of the Appropriations Committees of the Senate and the House. The State Board shall make a final implementation report on the System for noncertified employees by April 1, 1986, to the Joint Legislative Commission on Governmental Operations.

—BASIC AND VOCATIONAL SKILLS PILOT PROGRAM

Sec. 17. Of the funds appropriated to the Department of Public Education in Chapter 971 of the 1983 Session Laws, the sum of two million three hundred sixty-three thousand four hundred dollars (\$2,363,400) shall be allocated to expand the Basic and Vocational Skills Pilot Program enacted in Chapter 340 of the 1983 Session Laws. These additional funds shall be used in the same manner as set forth in Chapter 340 for nine additional grade 7 projects in each of the eight education regions, provided that the approximate funding per new site shall be thirty-two thousand dollars (\$32,000), and at least 20 and no more than 50 pupils shall be enrolled in each.

—FUNDS FOR DROPOUT PREVENTION

Sec. 17.1. The State Board of Education may use any federal funds that become available to extend dropout prevention efforts into public middle schools through special programs for early identification and support of high-risk students. The State Board shall attempt to extend dropout prevention efforts into public schools that are evenly distributed geographically throughout the State.

The State Board shall report to the chairmen of the Appropriations Committees of the Senate and the House of Representatives by April 1, 1985, on the expenditure of any federal funds for this purpose.

—FUNDS FOR THE JOB TRAINING READINESS PROGRAM

Sec. 18. Programs eligible for federal Job Training Partnership Act funds complement purposes and objectives of the middle schools Basic and Vocational Skills Program being piloted in grades 7 and 8. Job Training and

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Partnership Act funds are available for Dropout Prevention and Job Readiness for eligible students in grades 9-12 but may not be used for all students.

The State Board of Education is authorized to use up to two hundred thousand dollars (\$200,000) of the Basic and Vocational Skills Program funds appropriated in fiscal year 1984-85 for the purpose of matching JTPA funds for use in Dropout Prevention and Job Readiness as follow-up for students who have participated in the Basic and Vocational Skills Program. Further, the State Board of Education may use any federal funds that become available to expand the Job Training Readiness Program and other school-to-work transition and guidance programs. The purpose of these programs is to prepare public high school seniors for the transition from school to jobs or to skills-training in the community college system. The State Board shall attempt to expand these programs in areas evenly distributed geographically throughout the State.

Lastly, the State Board shall report to the Chairmen of the Appropriations Committees of the Senate and the House of Representatives by April 1, 1985, on expenditure of any State and federal funds for this purpose.

—EXCEPTIONAL CHILDREN/COMMUNITY RESIDENTIAL CENTERS

Sec. 19. Of the funds appropriated to the Department of Public Education in Chapter 971 of the 1983 Session Laws, the sum of four hundred twenty-seven thousand seven hundred forty dollars (\$427,740) may be allocated from the State Aid—exceptional children line item for an increase in the number of pupils eligible and qualified for placement in Community Residential Centers in accordance with rules and regulations established by the State Board of Education; provided that the expansion funds for additional placements shall be at the same rates provided for the existing pupils in such centers.

—EXCEPTIONAL CHILDREN/FUNDING FORMULA AMENDED

Sec. 20. Section 81 of Chapter 761 of the 1983 Session Laws is amended by deleting subsections (b) and (c) and by substituting a new subsection (b) to read:

“(b) Beginning July 1, 1984, the State Board of Education shall allot the funds in the budget line item ‘State Aid—exceptional children’ on the basis of the eligible weighted headcounts of exceptional children, limited by maximum percentages of children in each category of exceptionality as set out in 16 NCAC 2E .1530(f)(3) and (4) on June 1, 1984, provided that no local school administrative unit shall receive less money per eligible weighted child than it received in fiscal year 1983-84. It is the intent of the General Assembly to provide a one-time protection against the loss of federal funds in 1984-85. Therefore, each local school administrative unit shall maintain the level of support in total or on a per pupil basis from funds available (local and State) or risk the loss of Education for the Handicapped federal funds.”

—TUITION FOR PERSONS OVER 19 YEARS OLD.

Sec. 21. The second sentence of G.S. 115C-1 is amended to read:

“Tuition shall be free of charge to all children of the State, and to every person of the State less than 19 years old who has not completed a standard high school course of study.”

Sec. 22. G.S. 115C-366.1(a) is amended by adding a new subdivision (4) to read:

“(4) Persons who are 19 years of age or older before the beginning of the school year in which they wish to enroll.”

Sec. 23. G.S. 115C-109, G.S. 115C-124, and G.S. 115C-128 are amended by deleting the words “between the ages of five and 18” and substituting “from five through 18”.

Sec. 24. G.S. 115C-109 is amended by adding a new sentence after the first sentence to read: “Children who become 19 years old during the school year may complete that school year.”

—HANDICAPPED CHILDREN - TEXTBOOKS

Sec. 25. It is the intent of the General Assembly that handicapped children have appropriate textbooks. To this end, the State Board of Education is urged to include basic textbook selections for each subject in each grade for handicapped children in the regular textbook adoption procedures.

In addition, local boards of education, notwithstanding existing laws and regulations, are authorized to purchase high school textbooks for handicapped children appropriate to the subjects in each grade, from funds appropriated for high school textbooks in an amount not to exceed the amount of textbook funds generated by the handicapped children served by that administrative unit. This shall terminate July 1, 1985, unless extended by the General Assembly.

—MATCH FOR HANDICAPPED CHILDREN FUNDS

Sec. 26. Of the funds appropriated to the Department of Public Education in Section 2 of Chapter 971, Session Laws of 1983, the sum of one million thirteen thousand nine dollars (\$1,013,009) shall be used to match federal vocational education funds for the handicapped pupils in grades 7-12 for the school year 1984-85. The State Board of Education shall allocate these funds for handicapped pupils in the public schools consistent with matching requirements of the federal grant.

—ACCOUNTING FOR ADM POSITIONS SERVING EXCEPTIONAL CHILDREN

Sec. 27. It is the intent of the General Assembly that funds appropriated in the budget line item, “State aid—exceptional children,” and the allocations of regular positions to local school administrative units for children with special needs shall be used to benefit directly the children with special needs.

For the 1984-85 school year, the State Board of Education shall notify the superintendent of each school administrative unit of the number of regular positions allotted to the unit based on the number of children with special needs in self-contained classes computed in the average daily membership of the unit. The superintendent shall account for the proper utilization of these positions and shall report to the State Board of Education, which will then report its findings on the utilization of these positions to the Legislative Commission on Children with Special Needs by November 1, 1984.

—EXCEPTIONAL CHILDREN ACCOUNTABILITY

Sec. 28. The State Board of Education shall continue the work begun under subpart (i) of Section 83, Chapter 761, 1983 Session Laws by:

- (a) Establishing precise, quantitative criteria, where appropriate, for admission of pupils to special education programs, including criteria for reevaluation of a child for continuation in or exit from a special

- education program. Handicapped pupils who are presently served in the ninth grade or above will not be subject to the new criteria.
- (b) Establishing, clarifying, and implementing appropriate exit criteria for each category of exceptionality, so that pupils who no longer qualify for the programs do not remain in them beyond the present grading period.
 - (c) Establishing and implementing admission and exit criteria that exclude from the placement decision primary considerations based on environmental, cultural, and economic status. Thus, pupils identified as slow learners shall not be served in programs for children with special needs.
 - (d) Directing local boards to serve pupils who exit from special education programs with general education programs and not with funds for exceptional pupils.
 - (e) Subsections (a), (b), and (c) of this section shall become effective January 1, 1985.

The State Board shall report to the Legislative Commission on Children With Special Needs by December 1, 1984, on progress made in completing its work under Section 83, Chapter 761, 1983 Session Laws, as expanded by this section.

—RESERVE FOR AVERAGE DAILY MEMBERSHIP ADJUSTMENT

Sec. 29. Of the funds appropriated to the Department of Public Education in Section 2 of Chapter 971, Session Laws of 1983, the sum of six million four hundred forty-three thousand thirty-six dollars (\$6,443,036) shall be allocated to a Reserve for Average Daily Membership Adjustment. To the extent that the 10-day report average of daily membership exceeds the 1,079,570 students budgeted for the 1984-85 school year, the average daily membership may be increased and funds from the Reserve may be expended to accommodate the increases.

—TRANSFER TORT CLAIMS FUNDS

Sec. 30. G.S. 143-300.1(c) is amended by inserting a new sentence between the first and second sentences of that subsection to read:

“The funds necessary to cover vouchers written by the Attorney General for claims against county and city boards of education for accidents involving school buses and school transportation service vehicles shall be made available from funds appropriated to the Department of Public Instruction.”

Sec. 31. The Department of Public Education shall expend funds appropriated to it to satisfy judgments and settlements under the Tort Claims Act only for that purpose.

—MAINTENANCE SUPERVISOR FUNDS

Sec. 32. There is included in the total funds appropriated in Section 2 of Chapter 971 of the 1983 Session Laws to the Department of Public Education the sum of two million four hundred twenty thousand eight hundred five dollars (\$2,420,805) in expansion funds for fiscal year 1984-85 to provide an allotment for maintenance supervision in each local school administrative unit in the State. The allotment of funds to an individual school administrative unit shall be based on rules, regulations, and criteria established by the State Board of Education for maintenance supervision, provided that a base allotment shall be made to all units; units having 2,000 pupils and above in average daily membership, as determined by the controller's allotments, shall receive an additional allotment of two dollars (\$2.00) per pupil in average daily membership; with a total allocation per unit not to exceed fifty thousand

dollars (\$50,000); and further the total allocations for maintenance supervision shall be made within funds available in the continuation and expansion budgets for this purpose.

—TEACHERS IN STATE AGENCIES EXEMPTED FROM STATE PERSONNEL PAY PLAN.

Sec. 33. G.S. 126-5 is amended by adding subsection (c1) to read:

“(c1) Except as to Articles 5, 6, 7, 8, certificated educators of State agencies and State institutions, including the North Carolina School of Science and Mathematics in certificated positions are exempt from the provisions of this Chapter. This Chapter shall continue to apply to the director and superintendents of the schools for the deaf and blind and to the central agency staff of education programs in the Departments of Human Resources and Correction.”

Sec. 34. G.S. 115C-325(p) is repealed.

—FORSYTH ALTERNATIVE PRIMARY READING PROGRAM

Sec. 35. The State Board of Education shall continue to fund the alternative primary reading program in the Winston-Salem/Forsyth School Administrative Unit in the same manner as initially implemented under the provisions of Section 31.5 of Chapter 802 of the Session Laws of 1977 and as the program has remained in effect through the current fiscal year.

PART V.—COMMUNITY COLLEGES

—ALLOCATION OF CAPITAL FUNDS

Sec. 36. There is appropriated from the General Fund to the Department of Community Colleges the sum of six million two hundred eighty thousand seven hundred dollars (\$6,280,700) for the 1984-85 fiscal year. These funds and the funds appropriated to the Department of Community Colleges for capital improvements in Section 3 of Chapter 971 of the 1983 Session Laws shall be allocated as follows:

INSTITUTION	TYPE BUILDING	AMOUNT
1. McDowell T.C.	-Voc. Bldg.	
	-Indust. Skills Center	\$797,090
	-Classroom Bldg.	
2. Southeastern C.C.	-Building Renovations	\$359,810
	-Classroom Bldg.	
3. Bladen T.C.	-LRC Annex	\$200,000
	-Shop Bldg.	
4. Brunswick T.C.	-Classroom Bldg.	\$375,000
5. Fayetteville T.I.	-Student Development Center	\$1,000,000
6. Central Piedmont C.C.	-Activity and Office Building	\$1,700,000
7. Wake T.C.	-Library & Classroom	\$1,500,000
	-Parking Area	
8. Central Carolina T.C.	-Classroom, Lab & Shop Bldg. (\$600,000)	\$986,000
	-Harnett Co. Satellite (\$386,000)	
9. Johnston T.C.	-Library Bldg.	\$1,200,000
	-Renovation from	

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	Library to classroom	
10. Technical College of Alamance	-Shop/Lab Bldg.	\$400,000
11. Guilford T.C.C.	-Transportation/ Electronics Facility	\$1,800,000
12. Wayne C.C.	-LRC and Science Bldg.	\$1,500,000
13. Robeson T.C.	-General Educ. Bldg.	
	-Tech/Voc. Bldg.	\$500,000
	-Student Services Center Renovations to Bldg.	
14. Coastal Carolina C.C.	-Classroom Bldg.	\$500,000
15. Durham T.I.	-Physical Educ. Center Bldg. for LRC, Student Center and Classrooms	\$1,000,000
16. Lenoir C.C.	-Computer Skills Center (\$500,000)	\$700,000
	-Jones Co. Satellite (\$100,000)	
	-Greene Co. Satellite (\$100,000)	
17. Forsyth T.I.	-Vocational Educ. Bldg.	\$500,000
18. Sampson T.C.	-Classroom Bldg.	
	-Emer. Services Center & Renovations to Shops	\$400,000
19. Southwestern T.C.	-Regional Allied Health Training Center	\$3,530,000
20. Vance-Granville T.C.	-Student Dev. Center (\$300,000)	\$1,000,000
	-Skills Training Center/ Butner-Creedmoor Area (\$700,000)	
21. Nash T.C.	-Classroom Bldg. & Renovations	\$500,000
22. Halifax C.C.	-Technology Development Center	\$500,000
23. Edgecombe T.C.	-Classroom & LRC Bldgs.	\$500,000
24. Rowan T.C.	-Replacement of Walls in LRC	\$285,000
	-Replacement of Boiler Renovation to Walkway	
25. Mitchell C.C.	-Continuing Educ. Center	\$500,000
26. James Sprunt T.C.	-Satellite Expansion	\$500,000
27. Blue Ridge T.C.	-Planning For Library	\$100,000
28. Haywood T.C.	-Replacement of Waste Treatment Facility	\$168,800
29. Tri-County C.C.	-Class, Science Labs, Multipurpose Area	\$700,000
30. Cleveland T.C.	-Field House	\$250,000
31. Isothermal T.C.	-Planning Funds (\$100,000)	\$500,000
	-Polk Co. Satellite (\$400,000)	

32. Piedmont T.C.	-Child Dev. Center Expansion (\$75,000)	\$339,000
	-Business Assistance & Mgmt. Dev. Center (\$264,000)	
33. Rockingham C.C.	-Technical Lab Bldg.	\$100,000
	Planning Funds	
34. Pamlico T.C.	-Shop & Classrooms	\$40,000
35. Pitt C.C.	-Library Building	\$500,000
	-Classroom Building	
36. Western Piedmont C.C.	-Vocational Building	\$500,000
	and Library	
37. Caldwell C.C.	-Maintenance Building	\$250,000
and T.I.	-Classroom & Shop Bldg.	
	-Tech. Skills Bldg.	

The institutions may use the funds allocated to them for other capital expenditures if they deem it appropriate to do so. Notwithstanding the matching requirements in G.S. 116-53(b) and G.S. 115D-31, the matching requirements for the institutions receiving capital appropriations in this paragraph shall be as follows:

(1) No institution shall be required to match State appropriations for capital projects until the funds expended for capital projects from State appropriations (excluding vocational education funds) equal expenditures from local funds;

(2) Funds appropriated to Isothermal Community College for the Polk County satellite and to Central Carolina Technical Institute for a classroom, lab, and shop building shall be matched dollar for dollar with cash expenditures; and

(3) Funds appropriated to house a regional program at Southwestern Technical College shall not require a local match.

Also, the sum of one hundred thousand dollars (\$100,000) shall be allocated by the State Board of Community Colleges to fund feasibility studies for proposed new capital projects.

The sum of three million five hundred thirty thousand dollars (\$3,530,000) allocated to Southwestern Technical College in this section shall be used to construct a Regional Allied Health and Geriatrics Training Center. The Center will serve a regional, multi-county area in Western North Carolina; therefore, this allocation is exempt from matching requirements in accordance with G.S. 116-53(b) and G.S. 115D-31. A committee consisting of the Chancellor of Western Carolina University, the Presidents of Southwestern Technical College, Haywood Technical College, and Tri-County Community College, or their designees, and two faculty members of Western Carolina University shall coordinate the services offered by the Center to avoid overlapping and duplicative efforts involving allied health and geriatrics training by these four institutions.

—COMMUNITY COLLEGE SCHOLARSHIP FUND

Sec. 37. Of the funds appropriated to the Department of Community Colleges in Section 2 of Chapter 971 of the 1983 Session Laws, the sum of two million dollars (\$2,000,000) shall be allocated to the Community College Scholarship Fund.

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Sec. 38. A new section is added to Article 3 of Chapter 115D of the General Statutes to read:

“§ 115D-40. Community College Scholarship Fund.—(a) A nonreverting Community College Scholarship Fund is created in the Department of Community Colleges to provide community college scholarships for needy residents of North Carolina. The State Board of Community Colleges shall adopt rules regarding administration of the Fund and eligibility for scholarships from it. The Department of Community Colleges shall administer the Fund. The Department of Community Colleges shall make an effort to assure that the scholarships are distributed on a geographically equitable basis throughout the State among the several institutions. The principal of the Fund may not be used for any purpose; interest from the Fund may not be used for administering the Fund.

(b) Monies in the Fund shall be deposited with the State Treasurer and administered under the provisions of G.S. 147-69.3. The State Treasurer shall make the interest earned on the monies available to the Department of Community Colleges as needed for scholarships.”

—BOOKS AND EQUIPMENT APPROPRIATIONS/REVERT AFTER ONE YEAR

Sec. 39. Appropriations to the Department of Community Colleges for equipment and library books are made for each year of the biennium. All unencumbered appropriations shall revert to the General Fund 12 months after the close of each fiscal year for which they were appropriated. Encumbered balances outstanding at the end of each period shall be handled in accordance with existing State budget policies.

—DESIGNATION OF COURSES AS VOCATIONAL OR AVOCATIONAL

Sec. 40. Because courses that are avocational courses in one part of the State may be vocational courses in another, and vice-versa, the State Board of Community Colleges shall review the courses offered by each community college and shall determine for each community college which courses are avocational and which are vocational.

—COMMUNITY COLLEGE TUITION

Sec. 41. Section 98 of Chapter 761 of the 1983 Session Laws is rewritten to read:

“Sec. 98. The State Board of Community Colleges shall set tuition and fees in the Community College System in amounts necessary to meet the revenues anticipated from community college tuition and fees in the Current Operations Appropriations Act for the 1984-85 fiscal year.”

—EQUIPMENT FUNDS

Sec. 42. Of the funds appropriated to the Department of Community Colleges in Section 2 of Chapter 971 of the 1983 Session Laws, the sum of one hundred thousand dollars (\$100,000) shall be allocated for computer equipment at Bladen Technical College and the sum of ninety thousand dollars (\$90,000) shall be allocated for equipment at Rockingham Community College. The remainder of the funds for community college equipment shall be allocated by the State Board of Community Colleges according to its formula.

Sec. 43. The formula by which the State Board of Community Colleges allocates equipment funds to the community colleges and technical institutes shall not consider equipment or capital funds allocated to an institution in the Current Operations Appropriations Act or a prior Budget Appropriation Act, or

equipment or capital funds appropriated to a single institution in a special appropriation act for the current fiscal year or a prior fiscal year.

Sec. 44. Except as required by the provisions of this act, the State Board of Community Colleges may not modify the formula by which it allocates equipment funds to the community colleges and technical institutes before July 1, 1985.

—PROGRAM APPROVAL BY STATE BOARD

Sec. 45. The catchline of G.S. 115D-5 is amended by adding a new clause before the final period to read:

“; approval of new programs”.

Sec. 46. G.S. 115D-5 is amended by adding a new subsection to read:

“(f) A community college or technical institute may not offer a new program without the approval of the State Board of Community Colleges except that approval shall not be required if the tuition for the program will fully cover the cost of the program. If at any time tuition fails to fully cover the cost of a program that falls under the exception, the program shall be discontinued unless approved by the State Board of Community Colleges. If a proposed new program would serve more than one community college or technical institute, the State Board of Community Colleges shall perform a feasibility study prior to acting on the proposal.

The State Board of Community Colleges shall report on an annual basis to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Joint Legislative Commission on Governmental Operations, and the Advisory Budget Commission on all new programs it approved during the year. The report shall include the specific reasons for which each program was approved.”

PART VI.—UNIVERSITIES

—MAJOR RESEARCH UNIVERSITIES

Sec. 47. The Board of Governors of The University of North Carolina shall use four million five hundred thousand dollars (\$4,500,000) of the funds appropriated to it in Section 2 of Chapter 971, Session Laws of 1983, for support of existing research programs at the major research institutions. The purposes for which these funds may be allocated by the Board include equipment and laboratory renovations, graduate research and teaching assistants, biotechnology research efforts, and the recruitment and retention of research and teaching personnel in engineering and science.

—RESIDENTIAL SUMMER INSTITUTES IN MATH AND SCIENCE

Sec. 48. The Board of Governors of The University of North Carolina shall use one million one hundred fifty thousand dollars (\$1,150,000) of the funds appropriated to it in Section 2 of Chapter 971, Session Laws of 1983, to establish and administer residential summer institutes in mathematics and the natural sciences for academically talented rising juniors and seniors in North Carolina public and private high schools. The Board of Governors shall designate constituent institutions as sites for the institutes after consultation with the Board of Trustees of the North Carolina School of Science and Mathematics. At least one of the designated sites shall be in the coastal plain, at least one shall be in the piedmont, and at least one shall be in the mountains. Any funds unspent by the end of the 1984-85 fiscal year shall be carried forward into the 1985-86 fiscal year to fund 1985 summer activities in that fiscal year.

—TRANSFER OF SCIENCE AND MATHEMATICS SCHOOL

Sec. 49. Notwithstanding the provisions of Article 15 of Chapter 115C of the General Statutes or any other provision of law, effective July 1, 1984, the responsibility for the direction and operation of the North Carolina School of Science and Mathematics shall be assumed by the Board of Governors of The University of North Carolina. The Board shall, after consultation with the Board of Trustees of the School, present specific recommendations, including proposed statutory amendments, to the 1985 Session of the General Assembly with respect to placement of the School within the organizational structure of The University and any other considerations as may be required. Beginning with the 1985-86 enrollments, the Board of Governors shall ensure, insofar as possible without jeopardizing admission standards, that an equal number of qualified rising high school juniors is admitted to the program and to the residential summer institutes in science and mathematics from each of North Carolina's congressional districts.

Sec. 50.

(a) G.S. 115C-223(a)(2) is repealed.

(b) G.S. 115C-223(a)(3) and (4) are amended by deleting the words "Two members" and substituting "Three members".

(c) Appointees appointed under G.S. 115C-223(a)(2) shall serve for the remainder of their terms; when their terms end, they shall be replaced by new appointees appointed pursuant to G.S. 115C-223(a)(3) and (4) as amended by subsection (b) of this section.

(d) Notwithstanding the provisions of G.S. 116-31, the Board of Trustees of the North Carolina School of Science and Mathematics shall be as provided in G.S. 115C-223 as amended by this section.

—RESERVE FOR JACKSON COUNTY BOARD OF EDUCATION

Sec. 51. Of the funds appropriated to The University of North Carolina Board of Governors in Section 3 of Chapter 971, Session Laws of 1983, the sum of five million dollars (\$5,000,000) shall be held in reserve by the Board to be awarded to the Jackson County Board of Education when satisfactory agreements are reached between the Board of Governors and the Jackson County Board of Education over the Board of Education's departure from the premises of the Camp Lab School building located on the campus of Western Carolina University.

—UNC - LUMP-SUM APPROPRIATION

Sec. 52. Of the funds appropriated to the Board of Governors in Section 2 of Chapter 971 of the 1983 Session Laws under "University Operations - Lump Sum," seven hundred fifty thousand dollars (\$750,000) shall be used to establish a network of Mathematics and Science Education Centers within The University of North Carolina system to increase the quality and availability of mathematics and science teachers in the public schools.

An additional seventy-five thousand dollars (\$75,000) shall be used to provide training for local officials at Western Carolina University, through the Institute of Government.

—NCSU - AGRICULTURAL PROGRAMS

Sec. 53. Of the funds appropriated to North Carolina State University at Raleigh in Section 2 of Chapter 971 of the 1983 Session Laws the sum of thirty thousand dollars (\$30,000) shall be used for research and related extension activities in turf grass. An additional forty thousand dollars (\$40,000) shall be used for corn research, and sixty thousand dollars (\$60,000) shall be

used for a swine specialist for a ten-county area in extension, which was inadvertently left out in a previous appropriation.

—PRINCIPALS' MANAGEMENT PROGRAM

Sec. 54. Of the funds appropriated to The University of North Carolina at Chapel Hill in Section 2 of Chapter 971 of the 1983 Session Laws, three hundred seventy-four thousand dollars (\$374,000) shall be used to establish a Principals' Management Program, which is designed to be a short-term, intense, in-residence management training program for principals to improve their leadership and management skills. This program shall serve an equal number of principals in each congressional district each year. If funds are available within the budget of the Department of Public Education, or The University of North Carolina at Chapel Hill, the University may expand the program to serve assistant principals.

—ESTABLISH SMALL BUSINESS DEVELOPMENT CENTERS AND SUPPORT SMALL CITIES AND RURAL DEVELOPMENT PROGRAM

Sec. 55. Of the funds appropriated to the Board of Governors of The University of North Carolina in Section 2 of Chapter 971, Session Laws of 1983, the sum of two hundred thousand dollars (\$200,000) shall be used to establish a Small Business Development Center. The Center shall draw upon the research and educational capabilities of institutions of higher learning throughout the State to provide technical and management assistance to investors and small business owners and operators. Center activities shall be linked closely to the Small Cities and Rural Development program and programs designed to facilitate the development of technology and small business in general.

Of the funds appropriated to the Board of Governors of The University of North Carolina in Section 2 of Chapter 971, Session Laws of 1983, the sum of one hundred thousand dollars (\$100,000) shall be used to support a Small Cities and Rural Areas Development program. One half of this money, or fifty thousand dollars (\$50,000), shall be allocated to Elizabeth City State University and the other half to Western Carolina University to support Small Business Development Centers that will, in turn, cooperate with the Rural and Community Ventures Corporation in the development and expansion of business activities in small cities and rural areas.

—NUCLEAR MAGNETIC RESONANCE GRANT-IN-AID

Sec. 56. Of the funds appropriated to the Governor's Office-Special Appropriations in Section 2 of Chapter 971, Session Laws of 1983, the sum of one million dollars (\$1,000,000) shall be provided as a grant-in-aid to the Duke University Medical Center and one million dollars (\$1,000,000) shall be provided as a grant-in-aid to Bowman Gray School of Medicine in Winston-Salem for Nuclear Magnetic Resonance equipment to be used as research instruments for clinical investigation to benefit the citizens of North Carolina through improved diagnosis and treatment which will help to contain rising health care costs. This research shall be shared with other medical facilities in the State.

—MILITARY TUITION RATES

Sec. 57. Chapter 116 is amended by adding a new section to read:

"§ 116-143.3. Tuition of personnel in the armed services.—(a) For purposes of this section the term 'armed services' shall mean the United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any Reserve Component of the foregoing. The term 'abode' shall

mean the place where a person actually lives, whether temporarily or permanently; the term 'abide' shall mean to live in a given place.

(b) Any member of the armed services, upon qualification for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3), shall be eligible to be charged the in-State tuition rate at that institution while abiding in this State incident to active military duty.

(c) Any dependent relative of a member of the armed services as defined by the Board of Governors of The University of North Carolina and by the North Carolina Board of Community Colleges while sharing the abode of that member shall be accorded the benefit available to that member pursuant to subsection (b) above, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). In the event the member of the armed services removes his abode from North Carolina during an academic year, the dependent relative shall continue to be eligible for the in-State tuition rate during the remainder of that academic year.

(d) The burden of proving entitlement to the benefit of this section shall lie with the applicant therefor.

(e) A person receiving the in-State tuition benefit solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefits of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."

Sec. 58. G.S. 115D-39 is amended by deleting the phrase in the last paragraph, "G.S. 116-143.1 and 116-143.2," and by substituting the following: "G.S. 116-143.1 and 116-143.3".

Sec. 59. G.S. 116-22(2) is amended by adding the following at the end:

"Qualification for in-State tuition under G.S. 116-143.3 makes a person a 'student' as defined in this subdivision."

—AID TO PRIVATE COLLEGES INCREASED

Sec. 60. Section 109 of Chapter 761 of the 1983 Session Laws is amended by deleting the language "seven hundred fifty dollars (\$750.00)" and substituting "eight hundred fifty dollars (\$850.00)".

PART VII.—HUMAN RESOURCES

—WILLIE M

Sec. 61. (a) Legislative Findings. The General Assembly finds:

- (1) That there is a need in North Carolina to provide appropriate treatment and education programs to children under the age of 18 who suffer from emotional, mental, or neurological handicaps accompanied by violent or assaultive behavior;
- (2) That children meeting these criteria have been identified as a class in the case of Willie M., et al. vs. Hunt, et al.; and
- (3) That these children have a need for a variety of services, in addition to those normally provided, that may include but are not limited to residential treatment programs, educational programs, and independent living arrangements.

(b) Funds for Department of Human Resources. It is the intent of the General Assembly that funds appropriated in Section 2 of Chapter 971, Session Laws of 1983, to the Department of Human Resources for programs serving members of the Willie M. Class be expended only for programs serving members of the Willie M. Class identified in Willie M., et al. vs. Hunt, et al., including evaluations of potential class members. It is recognized that therapeutic or economic reasons may, at times, require certain of these programs to serve a

mixed clientele of Willie M. class members and other clients. To the maximum extent possible, however, these funds shall be expended solely for the benefit of Willie M. class members.

(c) Funds for Department of Public Education. Funds appropriated to the Department of Public Education in Section 2 of Chapter 971, Session Laws of 1983, for members of the Willie M. Class are to establish a supplemental reserve fund to serve only members of the class identified in Willie M., et al. vs. Hunt, et al. These funds shall be allocated by the State Board of Education to the local education agencies to serve those class members who were not included in the regular average daily membership and the census of children with special needs, and to provide the additional program costs which exceed the per pupil allocation from the State Public School Fund and other State and federal funds for children with special needs.

(d) The Department of Human Resources shall implement the first year of its prospective unit cost reimbursement system as specified in plans submitted to the General Assembly under Section 77(d) of Chapter 761, Session Laws of 1983. The Department shall not implement the plan in subsequent fiscal years until the operation of the plan in fiscal year 1984-85 has been reviewed by the General Assembly.

The Department shall submit a report to the General Assembly by March 1, 1985, on the operation of the unit cost reimbursement system in fiscal year 1984-85.

(e) Reporting Requirements. The Department of Human Resources and the Department of Public Education shall submit by March 1, 1985, a joint report to the Governor and the General Assembly on the progress achieved in serving members of the Willie M. Class. The report shall include the following unduplicated data for each county: (i) the number of children nominated for the Willie M. Class; (ii) the number of children actually identified as members of the class in each county; (iii) the number of children served as members of the class in each county; (iv) the number of children who remain unserved; (v) the types and locations of treatment and education services provided to class members; (vi) the cost of services, by type, to members of the class; (vii) information on the impact of treatment and education services on members of the class.

(f) The Departments of Human Resources and Public Education shall provide periodic reports of expenditures on behalf of the Willie M. Class to the Joint Legislative Commission on Governmental Operations.

(g) In fulfilling the responsibilities vested in it by the Constitution of North Carolina, the General Assembly finds:

- (1) That the responsible State agencies have made a bona fide good faith effort to comply fully with the requirements of the Court Orders in the case of Willie M., et al. vs. Hunt, et al., and that services and placements for Willie M. class members are very greatly improved.
- (2) That the General Assembly is responsible for assessing all of the vital needs of the citizens of the State of North Carolina, for evaluating the extent of its economic resources and the prevailing economic climate, and for determining how best to meet the needs of all of its citizens within the resources available to the State.
- (3) That the funds hereby appropriated will enable the development and implementation of placement and services for the class members in

Willie M., et al. vs. Hunt, et al. within a reasonable period of time considered within the context of the needs of the class members, the other needs of the State and the resources available to the State.

- (4) That additional expenditures of funds for these purposes at this time would result in an accelerated expenditure of and an unreasonable waste of State funds inasmuch as such expenditures could not reasonably be expected to actually secure a higher degree of treatment or education for the class members than can be accomplished with the funds hereby appropriated.

(h) The General Assembly supports the efforts of the responsible officials and agencies of the State of North Carolina to meet the requirements of the Court Order in Willie M., et al. vs. Hunt, et al. However, in view of the findings in subsection (g) above, the General Assembly expressly directs that no State funds shall be expended on the placement and services of class members in Willie M., et al. vs. Hunt, et al., or for any other thing or purpose arising out of this litigation, now or at any time in the biennium, except for those funds appropriated in Section 2 of Chapter 971, Session Laws of 1983, to the Departments of Human Resources and Public Education for programs serving members of the Willie M. Class identified in Willie M., et al. vs. Hunt, et al., and except for such funds as may be elsewhere appropriated by the General Assembly specifically for such purposes.

(i) Notwithstanding any other provision of law, if the Department of Human Resources determines that a local program is not providing appropriate services to members of the class identified in Willie M., et al. vs. Hunt, et al., the Department shall have the authority to ensure the provision of these services through contracts with public or private agencies or by direct operation by the Department of such programs.

—MEDICAID

Sec. 62. (a) Medicaid Reimbursement. Appropriations in Section 2 of Chapter 971, Session Laws of 1983, for services provided in accordance with Title XIX of the Social Security Act (Medicaid) are for both the categorically needy and the medically needy. Funds appropriated for these services are to be expended in accordance with the following schedule of services and payment bases. All services and payments are subject to the language at the end of this subsection.

Services and payment bases

- (1) Hospital - Inpatient - Payment for hospital inpatient services will be based on a prospective rate reimbursement plan as established by the Department of Human Resources. Administrative days for any period of hospitalization shall be limited to a maximum of three days.
- (2) Hospital - Outpatient - eighty percent (80%) of allowable costs or a prospective reimbursement plan as established by the Department of Human Resources.
- (3) Mental and Specialty Hospitals, Skilled Nursing Facilities, and Intermediate Care Facilities - Mental or Specialty Hospitals - Allowable costs or prospective reimbursement if approved by the Director of the Budget. Skilled Nursing Facilities and Intermediate Care Facilities, as prescribed under the State Plan for Reimbursing Long-Term Care Facilities. Skilled nursing facility participation in the Medicare program

is a condition of participation in the North Carolina Medicaid skilled nursing facility program.

- (4) Intermediate Care Facilities for the Mentally Retarded - As prescribed under the State Plan for reimbursing intermediate care facilities for the mentally retarded.
- (5) Drugs - Drug cost as allowed by federal regulations plus three dollars and twenty-two cents (\$3.22) professional services fee per month excluding refills for same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subdivision (h) of this section and to the provisions at the end of subdivision (a) of this section.
- (6) Physicians, Chiropractors, Podiatrists, Optometrists, Dentists - Fee schedules as developed by the Department of Human Resources. Payments for dental services are subject to the provisions of subsection (g) of this section.
- (7) Community Alternative Program, EPSDT Screens - Payment to be made in accordance with a rate schedule developed by the Department of Human Resources.
- (8) Home Health, Clinic Services, Mental Health Clinics, Prepaid Health Plans - Payment to be made according to reimbursement plans developed by the Department of Human Resources.
- (9) Medicare Buy-In - Social Security Administration premium.
- (10) Ambulance Services - Uniform fee schedules as developed by the Department of Human Resources.
- (11) Hearing Aids - Actual cost plus a dispensing fee.
- (12) Rural Health Clinic Services - Provider based - reasonable cost; nonprovider based - single cost reimbursement rate per clinic visit.
- (13) Family Planning - Negotiated rate for local health departments. For other providers - see specific services, for instance, hospitals, physicians.
- (14) Independent Laboratory and X-Ray Services - Uniform fee schedules as developed by the Department of Human Resources.
- (15) Optical Supplies - one hundred percent (100%) of reasonable wholesale cost of materials.
- (16) Ambulatory Surgical Centers - Negotiated rates, established by the Department of Human Resources.
- (17) Medicare Crossover Claims - Actual coinsurance or deductible or both.
- (18) Physical Therapy and Speech Therapy - Services

limited to EPSDT eligible children. Payments are to be made only to the Crippled Children's Program at rates negotiated by the Department of Human Resources.

Notwithstanding the schedule for services and payments bases in this section, increases in Medicaid rates for home health services, clinic services, ambulance services, EPSDT screens, hearing aid dispensing fees, rural health clinics, family planning, independent laboratory and x-ray services, ambulatory surgical centers, and mental health clinics shall be limited to seven percent (7%); provided, however, that rates paid to public health clinics may be adjusted to reflect the reasonable cost of services provided by the State Health Laboratory. Increases in indirect costs, as defined in the State Plan for Reimbursing Long Term Care Facilities, shall be limited to three and four tenths percent (3.4%)

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per year for skilled nursing and intermediate care facilities. Physicians', Chiropractors', Podiatrists', Optometrists', and Dentists' fees shall not increase, except pediatricians' fees may be adjusted where necessary to achieve parity with other primary care physicians' fees and to encourage provider participation.

Reimbursement is available for up to 24 visits per recipient per year to any one or combination of the following: physicians, clinics, hospital outpatient, optometrists, chiropractors, and podiatrists. Prenatal services, EPSDT screens and emergency rooms are exempt from the visit limitations contained in this paragraph. Exceptions may be authorized by the Department of Human Resources where the life of the patient would be threatened without such additional care. Any person who is determined by the Department to be exempt from the 24-visit limitation may also be exempt from the six-prescription limitation.

Any changes in services or basis of payment in the Medicaid program must be approved by the Director of the Budget with the advice of the Advisory Budget Commission.

(b) Allocation of Nonfederal Cost of Medicaid. The State shall pay eighty-five percent (85%) and the counties shall pay fifteen percent (15%) of the nonfederal costs of all applicable services listed in this section.

(c) Co-payment for Medicaid Services. The Department of Human Resources is authorized to establish co-payment up to the maximum permitted by federal law and regulation.

(d) Medicaid and Aid to Families with Dependent Children Income Eligibility Standards. Effective October 1, 1984, the maximum net family annual income eligibility standards for Medicaid and Aid to Families with Dependent Children, and the Standard of Need for Aid to Families with Dependent Children shall be as follows:

Family Size	Categorically Needy		Medically Needy and		
	Standard of Need	AFDC Payment Level	AA	AB	AD
1	\$3,552	\$1,776		\$2,400	
2	4,656	2,328		3,200	
3	5,352	2,676		3,600	
4	5,856	2,928		4,000	
5	6,408	3,204		4,300	
6	6,912	3,456		4,700	
7	7,392	3,696		5,000	
8	7,704	3,852		5,200	

Aid to Families with Dependent Children (AFDC); Aid to the Aged (AA); Aid to the Blind (AB); and Aid to the Disabled (AD).

The payment level for Aid to Families with Dependent Children shall be fifty percent (50%) of the standard of need.

These standards may be changed by the Department with the approval of the Director of the Budget with the advice of the Advisory Budget Commission. The income standards established in Section 60 (5) of Chapter 761 of the 1983 Session Laws shall remain in effect until September 30, 1984.

(e) Energy Costs. Because it has been demonstrated that energy costs for low income families have risen more quickly than other costs, the funds appropriated in Section 2 of Chapter 971, Session Laws of 1983, as an increase

in the payments for Aid To Families With Dependent Children may be used to pay for the increased energy assistance needs of these recipients. These funds are to be paid in the most administratively efficient manner in accordance with all applicable federal and State laws and regulations.

The Department of Human Resources shall seek all appropriate waivers to maximize federal benefits that are available to low income residents of North Carolina.

(f) Spouse Responsibility. Notwithstanding the provisions of G.S. 108A-61, the Department of Human Resources, Division of Medical Assistance, shall not consider the income or assets of the spouse of a person who is admitted as a long-term care patient in a certified public or private intermediate care or skilled nursing facility to be available to the institutionalized person.

(g) Dental Coverage Limits. Dental services will be provided on a restricted basis in accordance with regulations developed by the Department. Funds for dental services shall be disbursed only with prior approval by the Department of Human Resources, Division of Medical Assistance, as required by this subsection. No prior approval shall be required for emergency services or routine services. Routine services are defined as examinations, x-rays, prophylaxis, nonsurgical tooth extractions, amalgam fillings, and fluoride treatments. Prior approval shall be required for all other services and for routine services performed more than two times during a consecutive 12-month period. The Department of Human Resources shall establish rules and regulations, as provided by the Administrative Procedures Act, to implement this subsection.

(h) Dispensing of Generic Drugs. Notwithstanding G.S. 90-85.27 through G.S. 90-85.31, under the Medical Assistance Program (Title XIX of the Social Security Act) a prescription order for a drug designated by a trade or brand name shall be considered to be an order for the drug by its established or generic name, except when the prescriber personally indicates, either orally or in his own handwriting on the prescription order, "dispense as written" or words of similar meaning.

As used in this subsection "brand name" means the proprietary name the manufacturer places upon a drug product or on its container, label, or wrapping at the time of packaging; and "established name" shall have the same meaning as in section 502(e)(3) of the Federal Food, Drug and Cosmetic Act as amended, 21 U.S.C. 352(e)(3).

(i) Exceptions to Service Limitations, Eligibility Requirements and Payments. Service limitations, eligibility requirements, and payments bases in this section may be waived by the Department of Human Resources, with the approval of the Director of the Budget, to allow the Department to carry out pilot programs for prepaid health plans or community based services programs in accordance with plans approved by the United States Department of Health and Human Services, or when the Department determines that such a waiver will result in a reduction in the total Medicaid costs for the recipient.

(j) Volume Purchase Plans and Single Source Procurement. The Department of Human Resources, Division of Medical Assistance, may, subject to the approval of a change in the State Medicaid Plan, contract for services, medical equipment, supplies, and appliances by implementation of volume purchase plans, single source procurement, or other similar processes in order to improve cost containment.

(k) Cost Containment Programs. The Department of Human Resources, Division of Medical Assistance, may undertake cost containment programs including pre-admissions to hospitals and prior approval for certain outpatient surgeries before they may be performed in an inpatient setting.

—MEDICAID/MARRIED PREGNANT WOMEN

Sec. 62.1. The Department of Human Resources, Division of Medical Assistance, subject to approval of the Director of the Budget, may after January 1, 1985, provide services to married pregnant women whose family income meets the medically needy income criteria.

Funding for these services shall come from monies received by the State through a change in federal matching payments for Medicaid.

—MEDICAID/INTACT FAMILIES

Sec. 62.2. The Department of Human Resources, Division of Medical Assistance, subject to approval of the Director of the Budget may after January 1, 1985, provide services to children in two-parent households and whose family income meets the medically needy income criteria.

Funding for these services shall come from monies received by the State through a change in federal matching payments for Medicaid.

—ADULT DEVELOPMENTAL ACTIVITIES PROGRAM

Sec. 63. Funds in the amount of one million four hundred sixty thousand four dollars (\$1,460,004) for fiscal year 1984-85 are appropriated in Section 2 of Chapter 971, Session Laws of 1983, to the Department of Human Resources, Division of Mental Health, Mental Retardation and Substance Abuse Services, for additional Adult Developmental Activities Program (ADAP) slots. These funds are to be used for the following purposes: increasing the reimbursement rate for ADAP slots from one hundred ninety-one dollars (\$191.00) per month to two hundred dollars (\$200.00) per month. The balance of this appropriation shall be used to fund additional ADAP slots at two hundred dollars (\$200.00) per month per slot in those areas of the State with the most critical needs as determined by the Department of Human Resources.

—AID FOR DISABLED CITIZENS

Sec. 64. The Department of Human Resources may spend funds appropriated in Section 2 of Chapter 971, Session Laws of 1983, not to exceed six hundred thousand dollars (\$600,000) for the following purposes:

- (1) to provide assistance in purchasing prescription drugs to people terminated from the Social Security Disability program from March 1, 1981, through September 30, 1983;
- (2) to establish a toll-free number to provide information on the Social Security Disability program; and
- (3) to establish a "Disability Task Force" to provide oversight for the Social Security Disability program, and specifically to implement the relevant formal recommendations of the General Assembly's Disability Review Study Commission, which was established by the 1983 General Assembly and made its report, including its formal recommendations, to the 1983 General Assembly, 1984 Regular Session.

The Disability Task Force mandated by subdivision (3) of this section shall consist of five members to be appointed by the Governor. One shall be a current recipient of Social Security Disability benefits. Another shall be a physician licensed to practice in North Carolina who is familiar with the medical profession's role in the Social Security Disability process. Another shall be an

experienced representative of Social Security Disability claimants. Another shall be an expert on the needs of the mentally handicapped. Another shall be a representative of disability advocacy groups within State government. The Disability Task Force, and the toll-free number established by subdivisions (2) and (3) of this section shall be administered through the Office of the Governor. The prescription drug assistance program established by subdivision (1) of this section shall be administered through the Department of Human Resources, Division of Health Services.

—CYSTIC FIBROSIS FUNDS

Sec. 65. From funds appropriated to the Department of Human Resources, Division of Health Services, the sum of fifty thousand dollars (\$50,000) shall be provided for the 1984-85 fiscal year for eligible persons over 21 years of age with cystic fibrosis covered under the Crippled Children's Program.

—AGED AND FAMILY CARE/COUNTY AND STATE SHARE OF COSTS

Sec. 66. Section 37 of Chapter 761 of the 1983 Session Laws is amended to read:

"Sec. 37. Effective July 1, 1984, the State shall pay fifty percent (50%) and the counties shall pay fifty percent (50%) of the authorized rates for domiciliary care in homes for the aged and for family care homes, including area mental health agency operated group homes."

—DOMICILIARY CARE FACILITIES

Sec. 67. Section 31 of Chapter 761 of the 1983 Session Laws is amended to read:

"Sec. 31. The Department of Human Resources shall increase the maximum monthly rates for 'ambulatory' residents in domiciliary care facilities from five hundred twenty-five dollars (\$525.00) to five hundred sixty-five dollars (\$565.00), effective July 1, 1984. The maximum monthly rate for 'semi-ambulatory' residents shall be five percent (5%) more than the 'ambulatory' rate."

—ICF/MR CON DISTRIBUTION

Sec. 67.1. In adopting the 1985 State Medical Facilities Plan, the Department of Human Resources shall:

(1) Assure that the ICF/MR bed allocation be made on a geographically equitable basis.

(2) Assure that no restriction which provides that no new certificates of need for ICF/MR beds may be issued until those currently approved but not constructed are built and occupied will be included which will prevent an allocation on a geographically equitable basis.

—CHANGE REPORTING DATE ON DEINSTITUTIONALIZATION PROJECT

Sec. 68. The last paragraph of Section 28(a) of Chapter 761 of the 1983 Session Laws is amended by deleting the date "May 1, 1984" and substituting "February 1, 1985".

—FUNDS FOR AUTISTIC ADULTS

Sec. 69. Of the funds appropriated in Section 2 of Chapter 971, Session Laws of 1983, to the Department of Human Resources, Division of Mental Health, Mental Retardation and Substance Abuse Services, the sum of thirty-

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five thousand dollars (\$35,000) shall be used to design and establish a program plan for autistic persons who are too old to be served by the public schools.

—COMMUNITY RESIDENTIAL CENTERS FOR THE MENTALLY RETARDED

Sec. 70. Funds in the amount of three hundred twelve thousand eight hundred dollars (\$312,800) are appropriated in Section 2 of Chapter 971, Session Laws of 1983, to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, Community based programs for community residential centers serving the mentally retarded. These funds shall be allocated by the Department according to its formula to all qualifying centers, including the Holy Angels Center.

—MATCHING FUND REQUIREMENT FOR CHAPELS

Sec. 71. The seven hundred fifty thousand dollars (\$750,000) appropriated to the Department of Human Resources in Section 3 of Chapter 971, Session Laws of 1983, for the construction of chapels at the Caswell, O'Berry, and Western Carolina Centers may not be expended unless it is matched on a dollar-for-dollar basis.

—BLIND REHABILITATION CENTER AT BUTNER TRANSFER TO DOC

Sec. 72. Effective July 1, 1984, the property, buildings and equipment formerly referred to as the Rehabilitation Center for the Blind at Butner are transferred to the Department of Correction. The primary use of this property by the Department of Correction shall be to house the Umstead Youth Center program. Funds appropriated in Section 2 of Chapter 971, Session Laws of 1983, to John Umstead Hospital, one hundred thirty-nine thousand four hundred sixty-eight dollars (\$139,468), and to the Division of Services for the Blind, thirty-five thousand six hundred twenty-two dollars (\$35,622), for certain operational and maintenance costs of this facility shall be transferred to the Department of Correction.

—SANITARY LANDFILL REQUIREMENTS FOR LOCAL GOVERNMENTS

Sec. 73. G.S. 130A-294(a)(4) is amended by adding at the end the following:

“The issuance of permits for sanitary landfills operated by local governments is exempt from the environmental impact statements required by Article 1 of Chapter 113A of the General Statutes, entitled the North Carolina Environmental Policy Act of 1971. All sanitary landfill permits issued to local governments prior to July 1, 1984, are hereby validated notwithstanding any failure to provide environmental impact statements pursuant to the North Carolina Environmental Policy Act of 1971.”

—EMERGENCY HAZARDOUS WASTE SITE REMEDIAL FUND

Sec. 74. Chapter 130A of the General Statutes is amended by adding a new section to read:

“§ 130A-307. Hazardous Waste Site Remedial Fund.—There is established under the control and direction of the Department, an Emergency Hazardous Site Remedial Fund which shall be a nonreverting fund consisting of any money appropriated for such purpose by the General Assembly or available to it from grants, fees, charges, and other money paid to or recovered by or on behalf of the Department pursuant to this Article, except fees specifically designated by this Article for some other use or purpose. The Fund shall be used to defray

expenses incurred by the Department in developing and implementing an emergency hazardous waste remedial program and to reimburse any federal, State or local agency and any agent or contractor for expenses incurred in developing and implementing such a program that has been approved by the Department. These funds shall be used upon a determination that no funds or corrective action can be obtained from other sources without incurring a delay that would significantly increase the threat to life or risk of irreparable damage to the environment. In no event shall this Fund exceed two hundred thousand dollars (\$200,000). The Secretary is authorized to take the necessary action to recover the abatement costs incurred by the State from the responsible party or parties."

—QUALIFICATIONS OF LOCAL HEALTH DIRECTORS

Sec. 75. G.S. 130A-40 is amended by deleting the second sentence and substituting the following:

"The State Personnel Commission, after consulting with the Commission for Health Services, shall establish qualifications for a local health director. The qualifications shall give equal emphasis to education and experience."

—COUNTY DUTY TO SUPPORT IV-D PROGRAM

Sec. 76. Effective July 1, 1985, the second paragraph of G.S. 110-141 is amended to read:

"It is the responsibility of the board of county commissioners to administer, or provide for the administration of, this program in the county."

—CHILD SUPPORT ENFORCEMENT PROGRAM REPORT

Sec. 77. The Department of Human Resources, with the advice and participation of the Administrative Office of the Courts and the Department of Justice, shall report jointly to the 1985 Session on the administration of the Child Support Enforcement program. The department shall recommend a single and uniform method of administering this program in all the counties of the State; changes in State law needed to conform State law with new federal requirements; and improvements in the effectiveness of the operation of the program. This joint report shall be forwarded to the President of the Senate and the Speaker of the House of Representatives by March 1, 1985.

—AFTER-SCHOOL CHILD CARE

Sec. 78. G.S. 110-86(4) is amended by adding a new paragraph to the end to read:

"Notwithstanding the limitation to less than six children prescribed in the first paragraph of this subdivision, a day-care plan operator or provider may provide after-school care for up to three additional children, who are school age, for not more than four after-school hours in any one twenty-four hour period."

—COMMUNITY WORK EXPERIENCE PROGRAM

Sec. 79. Of the funds appropriated in Section 2 of Chapter 971, Session Laws of 1983, six hundred thousand dollars (\$600,000) shall be expended to continue the phase-in of the Community Work Experience Program. The Social Services Commission shall adopt rules imposing work requirements under the Community Work Experience Program in accordance with federal laws and regulations as a condition for eligibility for Aid to Families with Dependent Children and for Food Stamps.

—ALCOHOL AND DRUG PROGRAMS IN THE PUBLIC SCHOOLS

Sec. 80. The Superintendent of Public Instruction shall intensify his efforts under G.S. 115C-81(a) to provide appropriate outlines for the teaching of the dangers of harmful or illegal drugs, including alcohol.

Local boards of education shall place more emphasis on the instruction required by G.S. 115C-81(b) on the dangers of harmful or illegal drugs, including alcohol.

Sec. 81. G.S. 115C-81(a) is amended by adding a new paragraph after the second paragraph to read:

“The Superintendent shall report to the Joint Legislative Commission on Governmental Operations at the end of each school year on the outlines he provided for the teaching of the dangers of harmful or illegal drugs, including alcohol, and on the instruction provided by local boards of education on this subject.”

—HOKE COUNTY CHILDREN'S CENTER

Sec. 82. Funds in the amount of forty-four thousand dollars (\$44,000) are appropriated to the Department of Human Resources for State aid to non-State institutions in Section 2 of Chapter 971, Session Laws of 1983, to the Hoke County Children's Center. These funds shall be used to pay the balance of the mortgage on the Center.

—HAWTHORNE HEIGHTS JUVENILE SHELTER

Sec. 83. Of the funds appropriated to the Department of Human Resources in Section 2 of Chapter 971, Session Laws of 1983, for the Community Based Alternatives Program, forty thousand dollars (\$40,000) shall be allocated annually to the Hawthorne Heights juvenile shelter operated by Mountain Youth Resources, Inc. This special allocation shall have no effect on and shall not be included in the Department's allocation formula for Community Based Alternatives Program funds. The remainder shall be allocated by the Department according to its formula.

PART VIII.—ADMINISTRATIVE OFFICE OF THE COURTS

—MAGISTRATES NOT COMPENSATED FOR MILEAGE WITHIN COUNTY

Sec. 84. G.S. 7A-171.1 is amended as follows:

(1) by rewriting the catch line to that section to read:

“Duty hours, salary, and travel expenses within county.”;

(2) by designating the current language of that section as subsection (a); and

(3) by adding a new subsection to read:

“(b) Notwithstanding G.S. 138-6, a magistrate may not be reimbursed by the State for travel expenses incurred on official business within the county in which the magistrate resides.”

—SCHEDULES OF MAGISTRATES

Sec. 85. G.S. 7A-146(4) is amended by deleting the words “an employee of the General Court of Justice within that particular county” and substituting “another district court judge or the clerk of the superior court”.

—SALARIES/SUPERIOR COURT CLERKS

Sec. 86. G.S. 7A-101 is amended by deleting the phrase “1970 federal decennial census,” in the first sentence and substituting the phrase “population projections of the Office of State Budget and Management for the year preceding the first year of each biennial budget,”; by deleting the phrase “full biennium subsequent to the taking of the census (July 1, 1981; July 1, 1991; etc.),” in the second paragraph and substituting the phrase “year of each

biennial budget,” and by deleting the phrase “as a result of any future decennial census” in the second paragraph.

Sec. 87. G.S. 7A-101 is amended in the first paragraph by deleting the schedule of salaries of superior court clerks and substituting the following schedule:

“Population	Salary
Less than 49,999	\$30,000
50,000 to 99,999	34,500
100,000 to 199,999	39,000
200,000 and above 44,500”	

Sec. 88. G.S. 7A-102(a) is amended by adding a sentence at the end to read: “The job classifications and related salaries of each employee within the office of each superior court clerk shall be subject to the approval of the Administrative Officer of the Courts after consultation with each clerk concerned and shall be subject to the availability of funds appropriated for that purpose by the General Assembly.”

Sec. 89. G.S. 7A-102 is amended by adding subsection (c) to read:

“(c) Notwithstanding the provisions of subsection (a), the Administrative Officer of the Courts shall establish an incremental salary plan for assistant clerks and for deputy clerks based on a series of salary steps corresponding to the steps contained in the Salary Plan for State Employees adopted by the Office of State Personnel, subject to a minimum and a maximum annual salary as set forth below. On and after July 1, 1985, each assistant clerk and each deputy clerk shall be eligible for an annual step increase in his salary plan based on satisfactory job performance as determined by each clerk. Notwithstanding the foregoing, if an assistant or deputy clerk’s years of service in the office of superior court clerk would warrant an annual salary greater than the salary first established under this section, that assistant or deputy clerk shall be eligible on and after July 1, 1984, for an annual step increase in his salary plan. Furthermore, on and after July 1, 1985, that assistant or deputy clerk shall be eligible for an increase of two steps in his salary plan, and shall remain eligible for a two-step increase each year as recommended by each clerk until that assistant or deputy clerk’s annual salary corresponds to his number of years of service. A full-time assistant clerk or a full-time deputy clerk shall be paid an annual salary subject to the following minimum and maximum rates:

Assistant Clerks	
Minimum	\$15,132
Maximum	\$25,980
Deputy Clerks	
Minimum	\$11,664
Maximum	\$19,716

Full-time assistant clerks, licensed to practice law in North Carolina, who are employed in the office of superior court clerk on and after July 1, 1984, are authorized an entry-level annual salary of not more than three-fourths of the maximum annual salary established for assistant clerks. Full-time assistant clerks, holding a law degree from an accredited law school, who are employed in the office of superior court clerk on and after July 1, 1984, are authorized an entry-level annual salary of not more than two-thirds of the maximum annual salary established for assistant clerks. The entry-level annual salary for all

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other assistant and deputy clerks employed on and after July 1, 1984, shall be at the minimum rates as herein established.”

Sec. 90. The Administrative Officer of the Courts and each superior court clerk shall reclassify all accounting personnel, administrative assistant clerks, and legal officers as either assistant clerks or deputy clerks effective July 1, 1984; provided, notwithstanding the provisions of G.S. 7A-102(c), no full-time employee in service on June 30, 1984, shall suffer a reduction in salary as a result of the reclassification. The Administrative Officer of the Courts shall develop criteria for the number of assistant clerks and for the number of deputy clerks to be assigned to the office of each superior court clerk and shall report these criteria to the General Assembly upon the convening of the 1985 Session. In making his report to the 1985 General Assembly on staffing criteria for the office of superior court clerk, the Administrative Officer of the Courts shall include an analysis of the effects that automated operations are expected to have upon the personnel and total costs of the office of superior court clerk.

Sec. 91. Effective June 30, 1984, three hundred thousand dollars (\$300,000) in unexpended salary and fringe benefit funds appropriated to the Judicial Department for the 1983-84 fiscal year shall be placed in a reserve for use by the Judicial Department during the 1984-85 fiscal year in completing and implementing unfinished salary surveys for the offices of superior court clerk.

—LONGEVITY PAY FOR ASSISTANT DISTRICT ATTORNEYS AND ASSISTANT PUBLIC DEFENDERS

Sec. 92. G.S. 7A-65 is amended by adding a new subsection to read:

“(d) In lieu of merit and other increment raises paid to regular State employees, an assistant district attorney shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, and nine and six-tenths percent (9.6%) after 10 years of service. ‘Service’ means service as an assistant district attorney.”

Sec. 93. G.S. 7A-467 is amended by adding a paragraph at the end to read:

“In lieu of merit and other increment raises paid to regular State employees, an assistant public defender shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, and nine and six-tenths percent (9.6%) after 10 years of service. ‘Service’ means service as an assistant public defender.”

—LONGEVITY PAY FOR PUBLIC DEFENDERS

Sec. 94. G.S. 7A-465 is amended by adding a paragraph to read:

“In lieu of merit and other increment raises paid to regular State employees, a public defender shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, and nine and six-tenths percent (9.6%) after 10 years of service. ‘Service’ means service as a public defender.”

PART IX.—ATTORNEY GENERAL

—CONSENT JUDGMENTS ENTERED INTO BY THE STATE

Sec. 95. (a) Chapter 114 of the General Statutes is amended by adding a new section to read:

“§ 114-2.2. Attorney General to approve consent judgments.—(a) To be effective against the State, a consent judgment entered into by the State, a State department, State agency, State institution, or a State officer who is a party in his official capacity must be signed personally by the Attorney General. This power of approval may not be delegated to a deputy or assistant Attorney General or to any other subordinate.

(b) The provisions of this section are supplemental to G.S. 114-2.1.

(c) Notwithstanding subsection (a) of this section, the Attorney General by rule may delegate to a deputy or assistant Attorney General or to another subordinate the power to sign consent judgments in condemnation or eminent domain actions brought under the provisions of Chapters 40A or 136 of the General Statutes.”

(b) The first sentence of G.S. 114-2.1 is amended by deleting the word “can” and substituting the word “will”.

(c) The first sentence of G.S. 114-2.1 is further amended by deleting the words “available for the current fiscal year” and substituting the words “available for that purpose for the current fiscal year”.

(d) The first sentence of G.S. 114-2.1 is amended by adding the following immediately before the final period: “, provided that for payments of tort claims it shall not be binding on the State except to the extent that the State’s entire obligation for the current and for future fiscal years can be satisfied with funds that are available for the current fiscal year, including funds that the Council of State agrees to allot from the Contingency and Emergency Fund”.

(e) Subsections (a) through (d) of this section shall become effective September 1, 1984, except that rules issued under G.S. 114-2.2(c) may be issued at any time after ratification.

PART X.—COMMERCE

—BLUE RIDGE PARKWAY ANNIVERSARY FUNDS/MATCH REQUIRED

Sec. 96. Of the funds appropriated to the Department of Commerce for travel and tourism in Section 2 of Chapter 971, Session Laws of 1983, the sum of twenty-five thousand dollars (\$25,000) shall be allocated for activities related to the fiftieth anniversary of the Blue Ridge Parkway if the State of Virginia provides twenty-five thousand dollars (\$25,000) for this purpose.

—ALLOCATION OF TECHNOLOGICAL DEVELOPMENT AUTHORITY FUNDS

Sec. 97. Of the funds appropriated to the Department of Commerce in Section 2 of Chapter 971, Session Laws of 1983, for the Technological Development Authority, the sum of one hundred five thousand dollars (\$105,000) shall be placed in a reserve to provide thirty-five thousand dollars (\$35,000) each in the start-up costs of three incubator facilities including one for the Smoky Mountain Development Authority.

PART XI.—CRIME CONTROL AND PUBLIC SAFETY

—DIVISION OF EMERGENCY SERVICES

Sec. 98. The Department of Crime Control and Public Safety, with such cooperation as they might receive from the Departments of Human Resources and Insurance, shall report, not later than April 15, 1985, to the President of the Senate and the Speaker of the House on the statutory and regulatory

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changes needed to create a new Division of Emergency Services within the Department of Crime Control and Public Safety to be made up of the North Carolina State Fire Commission, the Division of Emergency Management, the Office of Emergency Medical Services, and the Fire and Rescue Training Division.

The North Carolina Medical Care Commission shall, within 60 days of the ratification of this act, adopt new standards for the recertification of emergency medical technicians and ambulance attendants. These standards shall require not more than 36 hours of continuing education annually as an alternative to periodic examination, shall provide for monitoring of the continuing education by the Office of Emergency Services, Department of Human Resources, and shall provide that the qualified instructors teaching the continuing education shall determine whether or not the recertification shall be granted. In developing standards under this section, the North Carolina Medical Care Commission shall work with the Department of Community Colleges. This action shall be subject to review in the study required by the preceding paragraph.

—NATIONAL GUARD TUITION ASSISTANCE

Sec. 99. G.S. 127A-193 is amended in the first sentence by deleting the word "tuition" and substituting "educational".

Sec. 100. G.S. 127A-193 is amended in the second sentence by deleting the words "four academic years" and substituting "two thousand dollars (\$2,000)".

—CRIME CONTROL AND PUBLIC SAFETY/DEFERRED PROSECUTION PROGRAM

Sec. 101. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of six hundred thirty thousand dollars (\$630,000) for fiscal year 1984-85 to expand the deferred prosecution, community service restitution, and volunteer program for youthful and adult offenders provided for in G.S. 143B-475.1, as enacted by this act.

Sec. 102. Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-475.1. Deferred prosecution, community service restitution, and volunteer program.—(a) The Department of Crime Control and Public Safety may conduct a deferred prosecution, community service restitution, and volunteer program for youthful and adult offenders. The Secretary of Crime Control and Public Safety may assign one or more coordinators to each judicial district to assure and report to the Court the offender's compliance with the requirements of the program. The appointment of each coordinator is subject to the approval of the chief district court judge. Each county must provide office space in the courthouse or other convenient place, for the use of each coordinator assigned to that county.

(b) A fee of fifty dollars (\$50.00) shall be paid by all persons required to participate in the program. That fee shall be paid to an official designated for that purpose and at the time and place specified by the Secretary. Fees collected under this subsection shall be deposited in the General Fund.

(c) The Secretary is authorized to designate the same person to serve as a coordinator under this section and under G.S. 20-179.4."

Sec. 103. G.S. 143B-475(d) is repealed.

—SEPARATION ALLOWANCES/LAW-ENFORCEMENT OFFICERS

Sec. 104. Chapter 143 of the General Statutes is amended to add Article 12D to read:

“Article 12D.

“Separation Allowances for

Law-Enforcement Officers.

“§ 143-166.40. Rules for selection and retention of law-enforcement officers; rules exempt from Administrative Procedure Act.—(a) Except as otherwise provided by State and federal law, the head of each principal State department may establish rules and procedures for the selection and retention of sworn law-enforcement officers to ensure that they are physically, emotionally, and intellectually qualified to perform their duties. These rules and procedures shall not establish any mandatory age limit for service as a law-enforcement officer that conflicts with a federal statute.

(b) These rules and procedures are exempt from the provisions of Chapter 150A of the General Statutes.

“§ 143-166.41. Special separation allowance.—(a) Notwithstanding any other provision of law, every sworn law-enforcement officer employed by a State department, agency, or institution who qualifies under this section shall receive, beginning on the last day of the month in which he retires on a basic service retirement under the provisions of G.S. 135-5(a) or G.S. 143-166(y), an annual separation allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to him for each year of creditable service. The allowance shall be paid in 12 equal installments on the last day of each month. To qualify for the allowance the officer shall:

(1) Have (i) completed 30 or more years of creditable service or, (ii) have attained 55 years of age and completed five or more years of creditable service; and

(2) Not have attained 62 years of age.

(b) As used in this section, ‘creditable service’ means the service for which credit is allowed under the retirement system of which the officer is a member.

(c) Payment to a retired officer under the provisions of this section shall cease at the death of the individual or on the last day of the month in which he attains 62 years of age.

(d) This section does not affect the benefits to which an individual may be entitled from State, federal, or private retirement systems.

(e) The head of each State department, agency, or institution shall determine the eligibility of employees for the benefits provided herein.

(f) The Director of the Budget may authorize from time to time the transfer of funds within the budgets of each State department, agency, or institution necessary to carry out the purposes of this Article. These funds shall be taken from those appropriated to the department, agency, or institution for salaries and related fringe benefits.

(g) The head of each State department, agency, or institution shall make the payments set forth in subsection (a) to those persons certified under subsection (e) from funds available under subsection (f).”

—REPLACING LAW-ENFORCEMENT OFFICERS ON FINAL SICK LEAVE

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Sec. 105. Article 2 of Chapter 126 of the General Statutes is amended by adding a new section to read:

“§ 126-8.2. Replacement of law-enforcement officer on final sick leave.— When a sworn law-enforcement officer employed by the State is on sick leave, and the head of the department employing the officer has obtained a certification from a physician that the officer will not recover and return to duty, a replacement for the officer may be hired even though the resulting number of employees in the department exceeds the number for which an appropriation was made in the Current Operations Appropriations Act, if sufficient funds are available from appropriations to the department for salaries to pay the salary of both the new employee and the officer on sick leave until the officer's accumulated leave is exhausted or his employment is terminated.”

—EXEMPTION FROM STATE PERSONNEL COMMISSION SALARY STANDARDS

Sec. 106. G.S. 20-187.3 is amended by redesignating the present section as subsection (a) and adding a sentence to that subsection to read:

“The provisions of G.S. 126-7 shall not apply to members of the State Highway Patrol.”

Sec. 107. G.S. 20-187.3 is amended by adding a new subsection “(b)” to read:

“(b) The Secretary of Crime Control and Public Safety, subject to the availability of funds as authorized by the Director of the Budget, may place a member of the State Highway Patrol in any step in the salary range for the class to which the member is assigned based on the member's rank so that no member is in a step lower than others of the same rank who have held that rank for less time than that member.”

PART XII.—AGRICULTURE

—RENAME HAMPTON MARINER'S MUSEUM

Sec. 108. The name of the “Hampton Mariner's Museum” is changed to the “North Carolina Maritime Museum”.

PART XIII.—NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

—PARTICIPATION IN THE NUTRIENT SENSITIVE WATERSHED PROJECT

Sec. 109. Participation in the Nutrient Sensitive Watershed Project shall be voluntary. In addition to funding of agricultural projects, funds appropriated may be used to provide grants to units of local government and water and sewer authorities for the purpose of conducting joint State and local nutrient sensitive water quality studies in the targeted watersheds. These studies may include monitoring, testing, data gathering, and other appropriate components related to nutrient reduction techniques. Purchase and installation of phosphate removal equipment in public wastewater treatment systems in the targeted watersheds may not be required by the State until studies showing a need for this equipment have been completed and reviewed by the Environmental Management Commission.

All participants in the Nutrient Sensitive Watershed Project shall be required to match State funds at the same rate, and assistance from the Agriculture Extension Service at North Carolina State University shall also be used.

—IMPLEMENTATION OF PROJECT

Sec. 110. Detailed plans for implementing the agricultural portion of the Nutrient Sensitive Watershed Project shall be reviewed and suggested changes and reasons therefor shall be given by a committee consisting of the Master of the North Carolina State Grange, President of the North Carolina Farm Bureau Federation, the North Carolina Commissioner of Agriculture, the Dean of the School of Agriculture and Life Sciences at North Carolina State University, the Chairman of the State Soil and Water Conservation Commission, and the President of the North Carolina Association of Soil and Water Conservation Districts. The committee shall review implementation of the agricultural portion of the Nutrient Sensitive Watershed Project prior to expenditure of any funds for that portion of the program. Certification documenting the committee's review of implementation of the agricultural grants program shall be made in writing to the Speaker of the House of Representatives, the President of the Senate, and Chairmen of the Appropriations Committees of the House and Senate.

—MATCHING FUNDS TO RECLAIM ABANDONED MINES

Sec. 111. The forty-eight thousand dollars (\$48,000) appropriated to the Department of Natural Resources and Community Development in Section 2 of Chapter 971, Session Laws of 1983, to be combined with Tennessee Valley Authority funds for use in reclaiming abandoned mines and reducing erosion, may not be expended in Avery, Mitchell, or Yancey County unless that respective County contributes sixteen thousand dollars (\$16,000) in cash or in kind for this purpose.

—COMMUNITY ACTION PARTNERSHIP

Sec. 111.1. Chapter 113 of the General Statutes is amended by adding a new Article to read:

“ARTICLE 1D.

“Community Action Partnership Act.

“§ 113-28.21. Short title.—This Article may be cited as the Community Action Partnership Act.

“§ 113-28.22. Purpose.—It is the purpose of this Article to provide financial assistance to Community Action Agencies and Limited Purpose Agencies (hereinafter referred to as ‘agency’ or ‘agencies’) to enable those agencies to effectively mobilize public and private resources in order to promote economic self-sufficiency among the poor of the State and to expand those services to all political subdivisions of the State.

“§ 113-28.23. Designation of administering agency powers and responsibilities.—The Department of Natural Resources and Community Development (hereinafter ‘Department’) is directed to carry out the purposes and provisions of this Article. In carrying out this directive, the Secretary of the Department (hereinafter ‘Secretary’) shall promulgate rules consistent with the purposes and provisions of this Article.

“§ 113-28.24. Designation of eligible agencies.—The Secretary shall designate agencies to fulfill the requirements of this Article in the service areas governed by one or more units of local government. An agency so designated may be one of the following:

(1) Agencies which have been officially designated as community action agencies or limited purpose agencies pursuant to Section 210 of the Economic Opportunity Act of 1964, Public Law 88-452, 78 Stat. 508 and which have not

lost their designation as a result of a failure to comply with the provisions of that act.

(2) Private nonprofit agencies designated by the chief elected official of a political subdivision or one or more political subdivisions, in areas not served by agencies as defined in subdivision (1) of this section on July 1, 1984. Agencies eligible under this subdivision must apply to the Secretary for designation 60 days in advance of the beginning date of their fiscal year. Political subdivisions designated under this section are authorized to join existing community action agencies contiguous with their boundaries or to organize their own community action agency in order to provide services pursuant to this Article.

“§ 113-28.25. Activities of Community Action Agency.—Agencies shall serve as the local catalyst for the reduction of the causes, conditions, and effects of poverty and shall provide social and economic opportunities that foster self-sufficiency for low-income persons. As such, agencies designated pursuant to G.S. 113-28.24(1) shall be sponsors of the Community Services Block Grant and any successor program thereto.

“§ 113-28.26. Organization and authority.—(a) Agencies, as provided in G.S. 113-28.24 shall have or be required to establish a governing board of directors which shall consist of not less than 15 nor more than 51 members. One-third of the members shall be low-income, elderly, or handicapped consumers residing in the service area of the agency. Consumer representatives shall be selected through a democratic process pursuant to guidelines established by the Department. Not less than one-third of the members of the board shall be appointed by the chief elected officials in the service area. The remaining positions on the board, if any, shall be filled by officials or members of business, industry, labor, religious, welfare, education, or civic organizations located in the service area.

(b) The board of directors shall be responsible for all of the following:

- (1) The appointment and dismissal of an executive director.
- (2) The approval of contracts, budgets, requests, and major modifications of budgets and contracts.
- (3) The performance of an annual audit by certified public accountants to include all assets, liabilities, revenue, and expenditures.
- (4) The establishment of policies for the operation of the agency.
- (5) Annually advising the chief elected officials of the units of local government within the service area of the nature and extent of poverty within the area. Included in this annual report will be an assessment of the community action agency policies and programs and their impact on the problems of poverty in the service area.
- (6) The convening of public meetings to provide low-income and other persons the opportunity to comment upon public policies and programs to reduce poverty.”

Sec. 111.2. Of the funds appropriated to the Department of Natural Resources and Community Development in Section 2 of Chapter 971 of the 1983 Session Laws the sum of one million dollars (\$1,000,000) shall be used to provide services to the elderly, needy, and handicapped.

—CIVIL WORKS AND WATERSHED PROJECTS

Sec. 112. Of the funds appropriated to the Department of Natural Resources and Community Development in Chapter 971 of the 1983 Session Laws, the sum of two million eight hundred eighty-nine thousand dollars

(\$2,889,000) shall be used for civil works and watershed projects. These funds shall be allocated as follows:

Civil Works Projects	Requirements
Harkers Island (S,N) (Carteret)	\$ 47,000
Ararat River (C,FC) (Surry)	667,000
Carolina Beach (C,BR) (New Hanover)	810,000
Beaufort Harbor (M,N) (Carteret)	75,000
Manteo (Shallowbag) Bay (M,N) (Dare)	75,000
Wilmington Harbor (M,N) (New Hanover)	250,000
State-Local Projects	150,000
Total	\$2,074,000
Watershed Projects	
Limestone (Duplin)	25,000
Crabtree (Wake)	510,000
Second Broad (Rutherford)	27,000
Town Fork (Forsyth, Stokes)	100,000
Sandy Creek (Cumberland)	138,000
West and Quarter (Hyde)	15,000
Total	\$ 815,000

Any funds not expended or encumbered for these purposes shall revert to the General Fund at the end of the fiscal year.

PART XIV.—STATE TREASURER

—REFUND OF FORMER MEMBER PAYMENTS FOR UNREDUCED RETIREMENT

Sec. 113. Of the funds appropriated to the Department of State Treasurer in Section 2 of Chapter 971, Session Laws of 1983, the sum of five hundred sixteen thousand one hundred dollars (\$516,100) shall be used by the State Retirement Systems to refund payments required by Section 45.2 of Chapter 859 of the 1981 Session Laws of former members of the Teachers' and State Employees' Retirement System who retired on an unreduced service retirement allowance and who were at least 60 years of age with 25 or more years of creditable service when they retired.

Sec. 114. Notwithstanding the provisions of Chapter 135 of the General Statutes, any member of the Teachers' and State Employees' Retirement System who was at least 60 years of age with 25 or more years of creditable service and who retired on a reduced service retirement allowance between July 1, 1981, and June 30, 1983, shall have his retirement allowance increased by the elimination of the reduction factors applicable at the time of retirement. This increase in retirement allowances shall apply equally to the allowance of a surviving annuitant of a beneficiary. This section shall become effective on the first of the month following a determination by the System's consulting actuary that sufficient gains are available in the System to pay the total present value actuarial cost of the increased retirement allowance.

—ISSUANCE FEES/PRIVATE-PURPOSE REVENUE BONDS

Sec. 115. The Department of State Treasurer, Local Government Commission, is authorized to use the sum of fifty-six thousand dollars (\$56,000) from the fees charged to the issuers of private-purpose revenue bonds for employing additional personnel in reviewing the financial positions of the bond issuers.

—COSTS OF TREASURER'S INVESTMENT PROGRAMS

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Sec. 116. G.S. 147-69.3(f) is amended by adding the following immediately before the period: “, and the costs so apportioned shall be paid from each program and deposited with the State Treasurer as a General Fund nontax revenue”.

Sec. 117. G.S. 147-69.3(f) is further amended by adding the following at the end:

“The cost of administration, management, and operation of investment programs established pursuant to this section shall be covered by an appropriation to the State Treasurer for this purpose in the Current Operations Appropriations Act.”

Sec. 118. Chapter 147 of the General Statutes is amended by adding a new section to read:

“§ 147-68.1. Banking Operations.—The cost of administration, management, and operations of the banking operations of the Department of State Treasurer shall be apportioned equitably among the funds and programs using these services, and the costs so apportioned shall be deposited with the State Treasurer as a general fund nontax revenue. The cost of administration, management and operations of the banking operations of the Department of State Treasurer shall be covered by an appropriation to the State Treasurer for this purpose in the Current Operations Appropriations Act.”

Sec. 119. There is appropriated from nontax revenues in the General Fund to the Department of State Treasurer for fiscal year 1984-85 the sum of one million five hundred thirteen thousand four hundred five dollars (\$1,513,405) for the Investment Management Division and seventy-two thousand eight hundred eighty-five dollars (\$72,885) for the Banking Operations Division. The funds for the Banking Operations Division are in addition to funds appropriated for that Division in Section 2 of Chapter 971, Session Laws of 1983.

PART XV.—ADMINISTRATION

—PRIVATE LICENSE PLATES ON STATE-OWNED CARS

Sec. 120. The second paragraph of G.S. 14-250 is amended by rewriting the last four sentences to read:

“When the General Assembly is not in session, the Division may grant requests for additional exemptions in an exemption category authorized for that period by the General Assembly, not to exceed five percent (5%) of the total number of exemptions authorized for that category. The Division shall report a request for an additional exemption and the Division’s proposed action on it to the Joint Legislative Commission on Governmental Operations and to the Advisory Budget Commission before making a final decision on the request. The Division may not consider a request for an additional exemption for a purpose for which a request was previously made to but not granted by the General Assembly. Additional exemptions granted by the Division expire at the end of the fiscal year in which they are granted or when the General Assembly acts on exemptions for the next fiscal year, whichever is sooner.”

Sec. 121. Pursuant to the provisions of G.S. 14-250, for the 1984-85 fiscal year, the General Assembly authorizes the following use of private license tags on State-owned motor vehicles:

Department	Number Exemption Category	Total Number
Administration:	1 Capitol Police	
	6 Human Relations Council	7

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Motor Vehicles:	97	License & Theft Employees	
	11	License & Theft Motor Pool	
	1	Chief Transportation Inspector	
	1	Assistant Director, License and Theft Section	
	3	Regional Transportation Supervisors	
Commerce:	8	Transportation Inspectors	121
	15	Industrial Development Reps.	
	4	International Development Reps.	
	1	Economic Development Director	
	1	State Ports Director	
	1	Deputy Secretary	
	1	Bd. of Alcoholic Control	
	3	Utilities Commission- Chief of Rail Safety Track Inspector Motor Power and Equipment Inspector	26
N.C.S.U.:	2	Security	2
E.C.U.:	2	Security	2
NRCD:	3	Forest Law Enforce. Off.	3
Correction:	511	Probation/Parole	511
Justice:	277	SBI Agents	
	3	Medicaid Investigators	280
Crime Control:	127	ALE Officers	
	2	Highway Patrol (Governor's Mansion)	
	1	Butner Public Safety	130
		Total	1,082

—PERMANENT ASSIGNMENT OF STATE-OWNED PASSENGER MOTOR VEHICLES

Sec. 122. G.S. 143-341(8)i.7a. is amended by rewriting the second paragraph to read:

“A State-owned passenger motor vehicle shall not be permanently assigned to an individual who is likely to drive it on official business at a rate of less than 12,600 miles per year unless (i) the individual’s duties are routinely related to public safety or (ii) the individual’s duties are likely to expose him routinely to life-threatening situations. A State-owned passenger motor vehicle shall also not be permanently assigned to an agency that is likely to drive it on official business at a rate of less than 12,600 miles per year unless the agency can justify to the Division of Motor Fleet Management the need for permanent assignment because of the unique use of the vehicle. The Department of Administration shall verify, on a quarterly basis, that each motor vehicle has been driven at the minimum allowable rate. If it has not and if the department by whom the individual to which the car is assigned is employed or the agency to which the car is assigned cannot justify the lower mileage for the quarter in view of the minimum annual rate, the permanent assignment shall be revoked immediately.”

—FAMILY VIOLENCE PROGRAMS FUNDS

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Sec. 123. The Department of Administration may secure federal and other non-State funds in the amount of one hundred twenty-five thousand dollars (\$125,000) to provide assistance to Reach, Inc., and Respect, Inc., to support shelter services, counseling and community education for victims of family violence in the following counties: Cherokee, Clay, Graham, Haywood, Henderson, Macon, Swain, and Transylvania.

—CLARIFY APPLICATION OF THE BUILDING CODE

Sec. 124. Section 7 of Chapter 531 of the 1977 Session Laws is repealed.
PART XVI.—REVENUE

—STATE EMPLOYEES RECEIVING CONFIDENTIAL TAX INFORMATION

Sec. 125. G.S. 105-259 is amended at the end of the fifth paragraph by adding the following sentence:

“Notwithstanding any other provision of law, State officers and employees who perform computerized data processing functions pursuant to G.S. 143-341(9) for the Department of Revenue are authorized to receive and process for the Department of Revenue information in reports and returns and are subject to the criminal provisions of this section.”

—REVENUE/REFUND OF INCOME TAXES.

Sec. 126. G.S. 105-267.1 is amended by changing the period at the end of that section to a comma and adding the following: “unless a demand is made for a refund of income tax that was erroneously paid this State and is payable to another state.”

—CLARIFY USE OF SALES TAX REVENUE IN BURKE COUNTY

Sec. 127. Chapter 273 of the 1983 Session Laws is amended by adding a new section to read:

“Sec. 1.1. This act applies only to sales and use taxes levied under Article 39 of Chapter 105 of the General Statutes.”

PART XVII.—CULTURAL RESOURCES

—CULTURAL RESOURCES CONTINUATION RESERVE

Sec. 128. Of the funds appropriated to a reserve in the Department of Cultural Resources in Section 2 of Chapter 971, Session Laws of 1983, the sum of fifty thousand dollars (\$50,000) shall be allocated to the Cherokee Historical Association; sixty-seven thousand three hundred seventy-seven dollars (\$67,377) shall be allocated to the Charlotte Hawkins Brown Memorial State Historic Site; twenty-six thousand five hundred dollars (\$26,500) shall be allocated to the Andrew Jackson Memorial Commission; twenty-six thousand eight hundred fifty-six dollars (\$26,856) shall be allocated to the Town Creek Indian Mound Site; and sixty-nine thousand eight hundred sixteen dollars (\$69,816) shall be allocated to the Eastern Regional Office of the Department of Cultural Resources.

—HISTORICAL MARKER PROGRAM FUNDS INCREASED

Sec. 129. G.S. 136-42.3 is amended by deleting the first sentence and substituting:

“The Department of Transportation may spend up to forty thousand dollars (\$40,000) a year to purchase historical markers prepared and delivered to it by the Department of Cultural Resources. The Department of Transportation shall erect the markers on sites selected by the Department of Cultural Resources.”

—TRYON PALACE/OVER-REALIZED ADMISSION FEE RECEIPTS

Sec. 130. Any admission fee receipts at the Tryon Palace complex that exceed expenditures as of June 30, 1984, may be placed in a nonreverting Restoration Repair Fund by the Director of the Budget. Upon request of the Tryon Palace Commission and the Secretary of Cultural Resources, the Director of the Budget may authorize expenditures from the Restoration Repair Fund for necessary repairs and restoration expenses in the Tryon Palace complex.

—INCREASE OLD ART MUSEUM RENOVATION PROJECT

Sec. 131. The amount of funds that may be expended by the Old Art Museum Renovation Capital Project is increased by one million dollars (\$1,000,000). This increase shall be supported with gifts and grants to the Museum.

PART XVIII.—GOVERNOR'S OFFICE/BUDGET OFFICE

—HOUSING COMMISSION FUNDS FROM GENERAL FUND

Sec. 132. Section 3 of Chapter 778 of the 1983 Session Laws is repealed.

—INTEREST ON HFA RESERVE

Sec. 133. Of the funds appropriated to the Office of the Governor in Section 2 of Chapter 971, Session Laws of 1983, the sum of one million five hundred thousand dollars (\$1,500,000) shall be placed in a general debt service reserve to support the issuance of additional bonds by the Housing Finance Agency, the sum of two million dollars (\$2,000,000) shall be placed in the multi-family rental assistance fund, and the sum of five hundred thousand dollars (\$500,000) shall be placed in the single-family home ownership fund. Interest earned on the four million dollars (\$4,000,000) shall not be used by the Housing Finance Agency for administrative purposes without the prior approval of the General Assembly.

—HFA BUDGET REPORTS

Sec. 134. G.S. 122A-16 is amended by adding a new sentence at the end to read:

"The Agency shall also at the end of each fiscal year submit a written report of its budget expenditures by line item to the Joint Legislative Commission on Governmental Operations."

—LEGISLATIVE COMMITTEE ON ENERGY CRISIS MANAGEMENT

Sec. 135. G.S. 113B-21(a) is amended by deleting "assistant majority leader" and inserting in lieu thereof "majority leader".

Sec. 136. G.S. 113B-22(b) and (c) are rewritten to read:

"(b) The Governor shall immediately consult with the Legislative Committee about the emergency proposals. The emergency orders, rules, or regulations shall become effective at a time specified by the Governor, but no earlier than 48 hours after submission to the Legislative Committee, provided that they may take effect at an earlier time if approved by a majority vote of the Council of State after the Council makes a finding that the crisis is of such immediacy as to make delay for legislative review cause for probable harm to the public.

(c) No order, rule, or regulation promulgated under the provisions of this section shall remain in effect for more than 30 days unless the Governor consults with the Legislative Committee. Such consultation is separate and apart from the consultation required by subsection (a) of this section, and may not take place until the order, rule, or regulation has been in effect for at least seven days."

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Sec. 137. G.S. 113B-22(d) is amended by deleting “the review of” and inserting in lieu thereof “consultation with”.

Sec. 138. G.S. 113B-23(b) is amended by deleting “and upon the approval of the Legislative Committee”.

—DISCHARGE OF NEED-BASED STUDENT LOANS BY SERVICE

Sec. 139. The second and third sentences of the first paragraph of G.S. 143-47.24 are repealed and replaced with the following:

“The loans administered pursuant to this Article shall be repaid in manners determined by the Board, including discharge by service.”

—FEDERAL EMERGENCY VETERANS JOB TRAINING ACT OF 1983 FUNDS DO NOT REVERT

Sec. 140. Notwithstanding the provisions of G.S. 143-18, funds received by any State agency within the scope of the Executive Budget Act pursuant to the Federal Emergency Veterans Job Training Act of 1983 shall not revert to the General Fund at the end of the biennial fiscal period.

—MATCH FOR BIOTECHNOLOGY CENTER FUNDS

Sec. 141. Of the funds appropriated to the Department of Commerce in Section 2 of Chapter 971, Session Laws of 1983, the sum of one million dollars (\$1,000,000) is allocated for the Biotechnology Center. These funds shall not be expended unless matched with one million dollars (\$1,000,000) in non-State funds.

—NONREVERTING RESERVE FOR BIOTECHNOLOGY

Sec. 142. Of the funds appropriated to the Office of the Governor, Office of State Budget and Management, in Chapter 971, Session Laws of 1983, the sum of two million nine hundred fifty-five thousand dollars (\$2,955,000) shall be placed in a nonreverting reserve for the Board of Governors of The University of North Carolina to establish biotechnology research facilities and programs.

—LIMITATION ON USE OF RESERVE FOR REPAIRING AND RENOVATING FACILITIES

Sec. 143. Except as otherwise provided by this act, funds appropriated in Section 3 of Chapter 971 of the 1983 Session Laws to the Reserve for Repairing and Renovating Facilities shall be used only to repair and renovate facilities. They may not be used for new buildings or additions to existing buildings.

—RESERVE FOR REDUCTION IN PRISON POPULATION

Sec. 144. The sum of one million four hundred sixty-five thousand fifty-eight dollars (\$1,465,058) shall be withdrawn from the Reserve for Reduction in Prison Population. Of these funds, nine hundred sixty-four thousand seven hundred sixty-two dollars (\$964,762) shall be deposited in the General Fund, four hundred forty-seven thousand two dollars (\$447,002) shall be allocated to the Department of Correction for the Cleveland County Unit's vocational training program for prospective parolees, and fifty-three thousand two hundred ninety-four dollars (\$53,294) shall be used to expand the intensive probation team program to judicial district 19A.

—MONTHLY ALLOCATIONS/DIRECTOR OF THE BUDGET

Sec. 145. The Director of the Budget shall allocate State funds to the Department of Insurance in accordance with the Executive Budget Act in a manner to ensure that the Department will not expend or encumber more than one-twelfth of its State funds during each month of 1984. Any outstanding

budgetary obligations of the Department as of June 30, 1984, shall be satisfied no later than December 31, 1984.

—PAY EQUITY STUDY

Sec. 146. (a) The Pay Equity Study shall be conducted as a general examination of the pay equity issue, and shall include but not be limited to a factor based on supply and demand on the relevant job market for a given job category which factor shall be given equal weight.

(b) In order to ensure that North Carolina conducts a pay equity study as in (a) above, there is created a Pay Equity Advisory Committee that consists of 14 members. The composition of the Committee shall be: seven Senators appointed by the President of the Senate and seven Representatives appointed by the Speaker of the House. All initial appointments shall be made by October 1, 1984. The Committee shall advise and monitor the development of a job evaluation and pay equity study for the State of North Carolina's classified employees in accordance with the directions set out in (a) above. Staff for the Committee shall be provided by the Office of State Budget and Management. The Committee shall make a final report to the President of the Senate and the Speaker of the House no later than June 1, 1986.

(c) The State Budget Officer is empowered to engage a consulting firm, no later than December 15, 1984, to study the State Personnel System so it can identify wage policies that inhibit pay equity and develop a job evaluation and pay system in accordance with the directions as herein set out. The consultant shall make an interim report to the Committee no later than June 1, 1985, and a final report no later than April 1, 1986.

(d) Members of the Committee shall be reimbursed in accordance with G.S. 120-3.1(a)(2) and (3). Any vacancy occurring on the Committee as a result of termination of service in the appointing house shall be filled by the original appointing authority.

—EXECUTIVE BUDGET ACT REVISIONS

Sec. 147. Effective January 1, 1985, G.S. 143-3.3 is amended by deleting "Provided, further, that this section shall not apply to assignments made by members of the State Highway Patrol, agents of the State Bureau of Investigation, motor vehicle inspectors of the Revenue Department, and State prison guards, to the commissioners of the Law-Enforcement Officers' Benefit and Retirement Fund in payment of dues due by such persons to such fund:".

Sec. 148. Effective January 1, 1985, the second sentence of the third paragraph of G.S. 143-4 is rewritten to read:

"The Governor shall call a meeting of the Commission during the period beginning with the convening of each regular session and ending 30 days later. Otherwise, meetings of the Commission may be called by the Governor or by the chairman.

Members of the Commission shall take the oath of office at or before the first meeting of the Commission they attend.

The Office of State Budget and Management, under the direction of the State Budget Officer, shall serve as staff to the Commission. The State Budget Officer shall designate a secretary to the Commission.

After the agenda for a meeting has been delivered to the members of the Commission, no other item shall be considered at that meeting except upon the approval of a majority of the members present and voting.

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Except for the Governor, persons who are not members of the Commission may address the Commission only at the invitation of the Governor, the chairman, or a majority of the members present and voting.”

Sec. 149. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

“§ 143-4.1. Biennial inspection.—The Commission shall make a biennial inspection of those physical facilities of the State it deems necessary.”

Sec. 150. G.S. 143-12(1) and (2) are rewritten to read:

“(1) A bill containing all proposed current operations appropriations of the budget for each year in the ensuing biennium, which shall be known as the ‘Current Operations Appropriations Bill’, and a bill containing all proposed capital appropriations of the budget for each year in the ensuing biennium, which shall be known as the ‘Capital Improvement Appropriations Bill’.

(2) If necessary, a bill containing the Director of the Budget’s views on revenue for the ensuing biennium, which shall be known as the ‘Budget Revenue Bill’ and shall provide an amount of revenue for the ensuing biennium sufficient, in the opinion of the Director and the Commission, to meet the appropriations contained in the Current Operations Appropriations Bill and the Capital Improvement Appropriations Bill.”

Sec. 151. G.S. 143-12 is further amended by deleting “Budget Appropriation Bill” from the first sentence of the second paragraph of that section and inserting in lieu thereof “Current Operations Appropriations Bill”.

Sec. 152. G.S. 143-13 is amended by deleting “Budget Appropriation Bill”, the first time it appears, and inserting in lieu thereof “Current Operations Appropriations Bill, Capital Improvement Appropriations Bill”, and by deleting “Budget Appropriation Bill” the second and third time those words appear, and inserting in each place in lieu thereof the words, “Current Operations Appropriations Bill and the Capital Improvement Appropriations Bill”.

Sec. 153. G.S. 143-12(3) is repealed.

Sec. 154. The last paragraph of G.S. 143-12 is amended by deleting “Appropriation, Revenue and Machinery” and inserting in lieu thereof “Appropriations and Revenue”.

Sec. 155. G.S. 143-13 is amended by deleting “the Budget Revenue Bill, and the Budget Machinery Bill” and inserting in lieu thereof “and the Budget Revenue Bill”.

Sec. 156. G.S. 143-13 is further amended by deleting the words “and the Budget Machinery Bill” the second and third times they appear.

Sec. 157. G.S. 143-13 is amended by deleting “Appropriation, Revenue and Machinery Bills” and inserting in lieu thereof “Appropriations, and Revenue Bills”.

Sec. 158. G.S. 143-13 is amended by deleting “the years in which the Governor is elected”, and inserting in lieu thereof “the years in which the Governor is elected, other than when a Governor is elected for a second successive term”.

Sec. 159. The second paragraph of G.S. 143-15 is amended by deleting “until the Budget Appropriation Bill shall have been enacted in whole or in part or rejected”, and inserting in lieu thereof “until the Current Operations Appropriations Bill shall have been enacted in whole or part or rejected”, and is further amended by adding at the end of the paragraph:

“Provided that the Capital Improvement Appropriations Bill may be considered before the Current Operations Appropriations Bill has been adopted in whole or part or rejected.”

Sec. 160. G.S. 143-15 is amended by deleting “Budget Appropriation Bill” in each place it appears, and inserting in lieu thereof “Current Operations Appropriations Bill and the Capital Improvement Appropriations Bill”.

Sec. 161. G.S. 143-15 is amended by deleting “a single object”, and inserting in lieu thereof “an object or objects”.

Sec. 162. The last paragraph of G.S. 143-34.1 is repealed.

Sec. 163. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

“§ 143-34.7. Participation by Legislative Officers.—The Speaker and Speaker Pro Tempore of the House of Representatives and the President Pro Tempore and Majority Leader of the Senate may attend all meetings of the Advisory Budget Commission.”

Sec. 164. Effective July 1, 1985, G.S. 18B-200(a), 20-2, 53-93.1, 58-6, 95-2, 96-3(c), 97-78(a), 106-11, 113-315.26, 114-7, 115C-20, 115D-3, 126-3, 136-4, 138-4, 143B-267, 143B-426.11(9), 143B-469.1, 146-30, 147-33, 147-35, 147-64.1(7), 147-65 and 147-87 are each amended by deleting “Budget Appropriation Act”, and inserting in lieu thereof “Current Operations Appropriations Act”.

Sec. 165. Effective July 1, 1985, G.S. 7A-10, 7A-18, 7A-44, 7A-65, 7A-144, 7A-341, 7A-342 and 7A-467 are each amended by deleting “Budget Appropriation Act”, “Budget Appropriations Act”, or “budget appropriations act” and inserting in lieu thereof “Current Operations Appropriations Act”.

—OPERATION OF VENDING FACILITIES BY THE STATE

Sec. 166. Article 1 of Chapter 143 of the General Statutes is amended by adding the following new section:

“§ 143-12.1. Vending facilities.—(a) The receipts from vending facilities operated by State agencies, institutions, departments, boards, and commissions are State funds. The payments received by a State agency, institution, department, board or commission by contract under which another party operates vending facilities and pays a sum to the State, whether computed as a percentage of gross or net receipts or gross or net profits, or as a fixed or variable fee, are State funds.

(b) The receipts or payments described in subsection (a) of this section from vending facilities shall be deposited as provided by law in the appropriate fund to be determined by the Office of State Budget and Management.

(c) The net proceeds from vending facilities are subject to appropriation by the General Assembly.

(d) The Office of State Budget and Management shall submit to the General Assembly along with or as a part of the biennial budget (and along with or as a part of any second-year budget requests) budgets for vending facilities operated by General Fund, Highway Fund, and Wildlife Fund departments’ and institutions’ operating budgets.

(e) Budgets for vending facilities prepared under subsection (d) of this section shall reflect total receipts from the facilities, and the total costs to staff, stock, and operate the vending facilities, shall set out the total net proceeds, and shall contain, in line-item detail, requests the departments and institutions have submitted to expend the net proceeds. If a State agency or institution receives payments on account of vending facilities but does not actually operate the

facilities, the budget shall contain a statement of the payments and shall contain, in line-item detail, requests the departments and institutions have submitted to expend the net proceeds.

(f) The net proceeds that the General Assembly approves for expenditure by a department or institution shall be retained in the appropriate fund budget code for the purposes approved by the General Assembly.

(g) For the purposes of this section 'vending facilities' has the same meaning as provided in G.S. 111-42(d), but also means any mechanical or electronic device dispensing items or something of value or entertainment or services for a fee, regardless of the method of activation, and regardless of the means of payment, whether by coin, currency, tokens, or other means.

(h) The provisions of subsections (c) through (f) of this section shall not supersede or apply to operations under the provisions of Article 3 of Chapter 111 of the General Statutes, G.S. 127A-138(b), or G.S. 116-36.1 through G.S. 116-36.3, or to the operation of any vending facility by a community college, technical institute, technical college, or local school administrative unit, but they shall apply to the operations of North Carolina Memorial Hospital."

Sec. 167. G.S. 115C-423 is amended by adding a new subdivision to read:

"(6) 'Vending facilities' has the same meaning as it does in G.S. 143-12.1."

Sec. 168. The School Budget and Fiscal Control Act, Article 31 of Chapter 115C of the General Statutes, is amended by adding a new section to read:

"§ 115C-426.1. Vending facilities.—Moneys received by a local school administrative unit on account of operation of vending facilities shall be deposited, budgeted, appropriated, and expended in accordance with the provisions of this Article."

Sec. 169. G.S. 115D-2 is amended by adding a new subdivision to read:

"(8) 'Vending facilities' has the same meaning as it does in G.S. 143-12.1."

Sec. 170. Article 4A of Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-58.13. Vending facilities.—Moneys received by an institution on account of operation of vending facilities shall be deposited, budgeted, appropriated, and expended in accordance with the provisions of this Article."

Sec. 171. G.S. 116-2 is amended by adding a new subdivision to read:

"(6) 'Vending facilities' has the same meaning as it does in G.S. 143-12.1."

Sec. 172. Chapter 116 of the General Statutes is amended by adding a new section to read:

"§ 116-36.4. Vending facilities.—The Board of Governors shall, not later than October 1 of each year, make an itemized annual report in a format to be determined by the Office of State Budget and Management to the Joint Legislative Commission on Governmental Operations concerning the receipts, expenditures, and use of net proceeds from operations of vending facilities for the previous fiscal year under G.S. 116-36.1 through G.S. 116-36.3. A similar quarterly report shall be made within 60 days after the end of each quarter. Net proceeds may be used only as authorized by the Board of Governors, but this section does not authorize expenditures for purposes not otherwise authorized by law."

Sec. 173. G.S. 159-7(b) is amended by adding a new subdivision to read:

"(16) 'Vending facilities' has the same meaning as it does in G.S. 143-12.1."

Sec. 174. The Local Government Budget and Fiscal Control Act, Article 3 of Chapter 159 of the General Statutes, is amended by adding a new section to read:

“§ 159-17.1. Vending facilities.—Moneys received by a public authority, special district, or unit of local government on account of operation of vending facilities shall be deposited, budgeted, appropriated, and expended in accordance with the provisions of this Article.”

Sec. 175. The preceding nine sections of this act shall become effective October 1, 1984, except that G.S. 143-12.1(c) through (f) shall become effective beginning with the 1985-87 biennial State Budget.

—FEDERAL REVENUE SHARING

Sec. 175.1. Funds available in the Revenue Sharing Trust Fund in the amount of one million two hundred thirty-three thousand eight hundred eighty-eight dollars (\$1,233,888) shall be used in the 1984-85 fiscal year to fulfill debt service requirements.

PART XIX.—GENERAL ASSEMBLY

—INFORMATION TO THE LEGISLATIVE SERVICES OFFICE

Sec. 176. G.S. 120-36.4 is repealed.

Sec. 177. A new section is added to Article 7 of Chapter 120 to read:

“§ 120-32.01. Information to be supplied.—(a) Every State department, State agency, or State institution shall furnish the Legislative Administrative Office and the Research, Fiscal Research, and Bill Drafting Divisions any information or records requested by them. Except when accessibility is prohibited by a federal statute, federal regulation or State statute, every State department, State agency, or State institution shall give the Fiscal Research Division access to any data base or stored information maintained by computer, telecommunications, or other electronic data processing equipment, whether stored on tape, disk, or otherwise, and regardless of the medium for storage or transmission.

(b) Notwithstanding subsection (a) of this section, access to the State Personnel Management Information System by the Legislative Administrative Office and by the Research and Bill Drafting Divisions shall only be through the Fiscal Research Division.”

—MEETINGS OF THE BOARD OF AWARDS AND THE COUNCIL OF STATE

Sec. 177.1. (a) G.S. 143-34.4 is amended by adding the following new language immediately after the first sentence:

“The Legislative Administrative Officer shall designate a member of the Fiscal Research staff, and a member of the General Research or Bill Drafting staff who may attend all meetings of the Board of Awards and Council of State, unless the Board or Council has voted to exclude them from the specific meeting, provided that no final action may be taken while they are so excluded.”

(b) G.S. 143-34.4 is amended by deleting the word “Commission” the fourth, fifth, and sixth times it appears and substituting the words “Board, Commission, or Council”.

(c) G.S. 143-34.4 is amended by adding immediately after the words “Legislative Services Officer” each time they appear the words “and the Director of Fiscal Research”.

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(d) G.S. 143-34.4, as amended by subsections (a), (b), and (c) of this section is recodified as G.S. 120-36.6.

—TERMINATION OF LEGISLATIVE RESEARCH COMMISSION TERMS

Sec. 178. The second and third sentences of G.S. 120-30.11 are amended by deleting the words “the fourth Friday in November” where they appear and inserting in lieu thereof “December 15”.

—PUBLICATION OF SESSION LAWS AND JOURNALS

Sec. 179. Effective January 1, 1984, the first sentence of G.S. 120-34(a) is rewritten to read:

“The Legislative Services Commission shall publish all laws and joint resolutions passed at each session of the General Assembly. The laws and joint resolutions shall be kept separate and indexed separately. Each volume shall contain a certificate from the Secretary of State stating that the volume was printed under the direction of the Legislative Services Commission from ratified acts and resolutions on file in the Office of the Secretary of State. The Commission may publish the Session Laws and House and Senate Journals of extra and special sessions of the General Assembly in the same volume or volumes as those of regular sessions of the General Assembly.”

—FUNDS NOT REVERT

Sec. 180. (a) Notwithstanding G.S. 143-18, funds appropriated to the General Assembly by Chapters 859, 1127, and 1282 of the 1981 Session Laws shall not revert to the General Fund but shall remain available to the General Assembly until expended or until reverted under G.S. 120-32(10).

(b) The funds covered by this section may be encumbered for such purpose as may be approved by the Director of the Budget.

(c) This section is effective June 30, 1983.

Sec. 181. Effective June 30, 1984, G.S. 143-18 is amended by adding the following new language immediately before the period “; except that maintenance appropriations to the General Assembly shall remain available until expended, unless provided otherwise by the Legislative Services Commission”.

Sec. 182. G.S. 120-32 is amended by adding a new subdivision to read:

“(10) To specify the uses within the General Assembly budget of funds appropriated to the General Assembly which remain available for expenditure after the end of the biennial fiscal period, and to revert funds under G.S. 143-18.”

—RETIREMENT CREDITS FOR EMPLOYMENT WITH THE GENERAL ASSEMBLY

Sec. 183. Notwithstanding the provisions of G.S. 135-4(e) and G.S. 135-4(m), any otherwise qualified member who did not purchase prior service credits in the Teachers’ and State Employees’ Retirement System for employment with the General Assembly within three years after first eligibility may purchase such credits on or before December 31, 1984, as prescribed by G.S. 135-4(e). The difference between the full cost of allowing these service credits as defined in G.S. 135-4(m) and the member’s cost pursuant to G.S. 135-4(e) shall be paid to the Retirement System from appropriations made to the General Assembly during the 1983 biennium.

—LEGISLATORS’ TRAVEL ALLOWANCES

Sec. 184. G.S. 120-3.1(a) is amended by rewriting subdivisions (2), (3), and (4) to read:

“(2) A travel allowance at the rate allowed by statute for State employees whenever the member travels, whether in or out of session, as a representative of the General Assembly or of its committees or commissions, with the approval of the Legislative Services Commission.

(3) A subsistence allowance for meals and lodging of fifty dollars (\$50.00) a day for each day of the period during which the General Assembly is in session and, except as otherwise provided in this subdivision, when traveling as a representative of the General Assembly or of its committees or commissions, with the approval of the Legislative Services Commission, when the General Assembly is not in session.

A member who is authorized to travel, whether in or out of session, to a high rate geographical area in a state in the continental United States, other than Alaska or North Carolina, may elect to receive, in lieu of the amount provided in the preceding paragraph, a subsistence allowance for meals of sixteen dollars and fifty cents (\$16.50) a day and a subsistence allowance for lodging of actual lodging expenses, when evidenced by a receipt satisfactory to the Legislative Administrative Officer, not to exceed that allowed a federal employee when traveling to that area. A high rate geographical area is an area designated as such by the federal General Services Administrator under the Travel Expense Amendments Act of 1975 and published at 48 Federal Register 55262, December 9, 1983.

A member who is authorized to travel, whether in or out of session, to Alaska, Hawaii, Puerto Rico, or United States territories and possessions may elect to receive, in lieu of the amount provided in the first paragraph of this subdivision, a subsistence allowance for meals of sixteen dollars and fifty cents (\$16.50) a day and a subsistence allowance for lodging of actual lodging expenses, when evidenced by a receipt satisfactory to the Legislative Administrative Officer, not to exceed the maximum prescribed by the Secretary of Defense in Civilian Personnel Per Diem Bulletin 120, dated October 3, 1983, and published as corrected at 48 Federal Register 49333, October 25, 1983.

(4) A member may be reimbursed for registration fees as permitted by the Legislative Services Commission.”

Sec. 185. G.S. 138-5(f) is amended by deleting “at the rate set forth in G.S. 120-3.1(4)” and substituting “at the rate set forth in G.S. 120-3.1(a)(2) through (4)”.

Sec. 186. (a) G.S. 120-3.1(a)(3) is amended by deleting the phrase “fifty dollars (\$50.00)” and substituting the phrase “sixty dollars (\$60.00)”, and by deleting the phrase “sixteen dollars and fifty cents (\$16.50)” each time it appears and substituting the phrase “twenty dollars (\$20.00)”.

(b) This section shall become effective upon the convening of the 1985 Regular Session of the General Assembly.

—MILITARY SERVICE CREDIT/LEGISLATIVE RETIREMENT SYSTEM

Sec. 187. G.S. 120-4.12 is amended by adding subsection (d) to read:

“(d) Any member of the Retirement System who has eight or more years of creditable service as a member of the General Assembly may purchase prior service credit for service in the armed forces of the United States at the same rates and conditions as set forth in G.S. 120-4.14 and G.S. 120-4.16; provided

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that credit is allowed only for the initial period of active duty in the armed forces of the United States up to the time the member was first eligible to be separated or released therefrom, and subsequent periods of such active duty as required by the armed forces of the United States up to the date of first eligibility for separation or release therefrom; and further provided that the member submits satisfactory evidence of the service claimed and that service credit be allowed only for the period of active service in the armed forces of the United States not creditable in any other retirement system, except the national guard or any reserve component of the armed forces of the United States.”

—TECHNICAL AMENDMENTS/LEGISLATIVE RETIREMENT SYSTEM

Sec. 188. G.S. 120-4.11(1) and (2) are amended in the language preceding the colon by deleting the word “active” and substituting the words “actively contributing”, and in the language following the colon by deleting the words “Benefit and Retirement Fund” and substituting the words “Retirement System”.

Sec. 189. G.S. 120-4.11 is amended by adding the following subdivision to read:

“(3) All former members of the General Assembly who have eight or more years of creditable service, who are not otherwise members of the Legislative Retirement System pursuant to subdivisions (1) and (2) of this section, and who are not actively contributing members of the Teachers’ and State Employees’ Retirement System, the North Carolina Local Governmental Employees’ Retirement System, the Law Enforcement Officers’ Retirement System, the Uniform Judicial Retirement System of North Carolina, the Uniform Solicitorial Retirement System of North Carolina, or the Uniform Clerks of Superior Court Retirement System of North Carolina.”

Sec. 190. G.S. 120-4.12(c)(1) is amended by deleting the words “the establishment” and substituting the words “becoming a member”.

Sec. 191. G.S. 120-4.14 is amended by deleting the words “the convening of the 1985 regular session of the General Assembly” and substituting the words “becoming a member of the Retirement System”.

Sec. 192. G.S. 120-4.15 is amended by inserting the words “and System” between the words “Fund” and “shall”.

Sec. 193. G.S. 120-4.21(a) is amended in the first sentence by deleting the phrase “or who has completed 25 years of creditable service regardless of age”.

Sec. 194. G.S. 120-4.21(b)(1) is amended by deleting the phrase “or upon 25 years of creditable service regardless of age”.

Sec. 195. G.S. 120-4.22(a) is amended in the first sentence by deleting the phrase “but less than 25 years”.

Sec. 196. G.S. 120-4.21(c) and G.S. 120-4.22(d) are amended in the first sentence, in the language preceding the colon, by inserting the word “contributing” between the words “a” and “member” and in the first sentence, in the language following the colon, by deleting the words “Benefit and Retirement Fund” and substituting the words “Retirement System”.

Sec. 197. G.S. 120-4.25 is amended by rewriting the first sentence to read:

“If a member ceases to be a member of the General Assembly except by death or retirement, he shall, upon submission of an application, be paid not earlier than 60 days following the date of termination of service, the sum of his contributions if he has less than eight years of creditable service, or the sum of his accumulated contributions if he has eight or more years of creditable service, provided he has not in the meantime returned to service.”

Sec. 198. G.S. 120-4.8(9) and G.S. 120-4.8(12) are each amended by deleting “July 15, 1983” and substituting “June 15, 1983”.

Sec. 199. G.S. 120-4.28 is amended by deleting the numbers “120-4.25 in the third line and inserting in lieu thereof the numbers “120-4.26”.

PART XX.—HIGHWAYS

—URBAN AND RURAL ROAD CONSTRUCTION FUNDS ALLOCATED

Sec. 200. Of the funds appropriated in Section 2 of this act, fourteen million dollars (\$14,000,000) shall be allocated equally to each of the 14 Highway Divisions for Urban Construction projects. Up to an additional fourteen million dollars (\$14,000,000) of the funds appropriated in Section 2 of this act shall be allocated equally to each of the 14 Highway Divisions for urban and rural projects upon determination by the Office of State Budget that funds are available. One-half of this additional allocation shall be designated by each Division for rural construction projects and the balance for Urban Construction projects.

Any funds transferred for Division rural road construction shall not be subject to the county formula allocation as provided by G.S. 136-44.5.

—MATCH FOR ADDITIONAL FEDERAL FUNDS

Sec. 201. Effective June 30, 1984, all funds in the special Reserve to Match Additional Federal Funds shall revert to the Highway Fund and Section 8(a) of Chapter 761 of the 1983 Session Laws is repealed.

—COMMISSION PAID TO BRANCH AGENTS

Sec. 202. Section 140 of Chapter 761 of the 1983 Session Laws is amended in the last sentence by deleting the language “sixty-four cents (64c)” and substituting “seventy cents (70c)”.

—AMTRAK PIEDMONT CRESCENT

Sec. 203. Of the funds appropriated to the Department of Transportation in Section 2 of this act, a one-time allocation of five hundred thousand dollars (\$500,000) shall be used only for the State's share of the operating cost of the Amtrak Passenger Service. No other State funds shall be used on this project for one-time expenditures until the service has been in operation for one year, and a study by the Department of Transportation has been completed determining the economic feasibility of the train service for North Carolina. This study shall be reviewed and approved by the Joint Legislative Commission on Governmental Operations no later than October 1, 1985. The study shall include but not be limited to the following:

- (1) a report on the operating and capital costs for the service;
- (2) information on rail line rehabilitation and other facilities requiring improvements;
- (3) a report on the number of passengers using the train service and the number of passenger miles from various points along the route;

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- (4) a report on cost-sharing by local governments and other public and private organizations;
- (5) the economic impact of the train

service on North Carolina and the ridership impact on other forms of transportation along the Amtrak Passenger Service route.

—USE OF DEFENSIVE DRIVING AND TRAINING FACILITY FUNDS

Sec. 204. If the funds appropriated for the construction of a defensive driving and training facility and to renovate the Motor Vehicles building are not expended or obligated for that purpose during fiscal year 1984-85, the unexpended funds may be applied to construct district office facilities for the Highway Patrol in conjunction with the Harnett County Law Enforcement Center, or a firearms instruction facility at the Highway Patrol Training Center, or both.

—HIGHWAY/LIMITATIONS ON TRANSFERS

Sec. 205. (a) Transfers may be made by authorization of the Governor as Director of the Budget from Section 2 of this act, Titles 02.b.(01) - State Construction/Primary Construction, 02.b.(03) - State Construction/Urban Construction, 02.b.(04) - State Construction/Access and Public Service Roads, 02.c. - State Funds to Match Federal Highway Aid, and 02.e. - Ferry Operations, provided that the original appropriation from which the transfer is made shall not be reduced by more than ten percent (10%) without consultation with the Advisory Budget Commission and the approval of the Director of the Budget. Transfers from Section 2 of this act, Titles 02.b.(01) - State Construction/Primary Construction, 02.b.(03) - State Construction/Urban Construction, 02.b.(04) - State Construction/Access and Public Service Roads, 02.c. - State Funds to Match Federal Highway Aid, and 02.e. - Ferry Operations, for the purpose of providing additional positions, shall be approved by the Director of the Budget. Section 6 of Chapter 761 of the 1983 Session Laws is repealed.

PART XXI.—SALARY, RETIREMENT, AND EMPLOYEE BENEFITS

—MOST STATE EMPLOYEES/TEN PERCENT SALARY INCREASE

Sec. 206. The salaries in effect on June 30, 1984, for all permanent State employees paid from the General Fund or the Highway Fund shall be increased on July 1, 1984, by an average of ten percent (10%) rounded to conform to the steps in the salary ranges which the State Personnel Commission adopts. If the salary in effect on June 30, 1984, for an employee is not equal to a specific pay rate in the salary schedule effective on that date, his annual increase shall be ten percent (10%) with the annual salary adjusted so as to be divisible by twelve. The Director of the Budget may transfer from the salary reserve funds created in Section 2 of Chapter 971, Session Laws of 1983, and Section 2 of this act for this purpose all funds necessary for the ten percent (10%) average increase, including funds for the employer's retirement and Social Security contributions.

Except as otherwise provided in this act, the salaries of State officials, department secretaries, and persons in exempt positions which are recommended by the Governor or the Governor and the Advisory Budget Commission and set by the General Assembly shall be increased an average of ten percent (10%) commencing July 1, 1984. The Director of the Budget may transfer from the salary reserve funds created in Section 2 of Chapter 971, Session Laws of 1983, and Section 2 of this act for this purpose all funds

necessary for the ten percent (10%) average increase, including funds for the employer's retirement and Social Security contributions.

The Director of the Budget may allocate out of special operating funds or from other sources of the employing agency, except tax revenues, sufficient funds to allow a salary increase averaging ten percent (10%), including funds for the employer's retirement and Social Security contributions, for the employees of the agency, provided that the employing agency elects to make available the necessary funds.

The Director of the Budget may promulgate special rules and regulations to apply to salary increases for employees whose salaries are paid from interagency receipts where payments for the services of those employees originate from State appropriations to the end that the effective purchasing power of the appropriations is not materially reduced as a result of these salary increases. The salary increase may average up to ten percent (10%), and funds made available for it shall include amounts necessary for the increase and the employer's retirement and Social Security contributions. Any questions as to the applicability of the provisions of this paragraph shall be resolved by the Director of the Budget.

The salaries of all permanent public school employees paid from the State public school fund and from allocations to local school units for State Aid-Exceptional Children ADM appropriation, Health Education Coordinator grants, Community Schools Coordinator grants, Vocational Education State Aid Non-Matching Expansion ADM allocation, Vocational Education State Aid Extended Day ADM allocations and State-matching funds for School Food Service Supervisors shall be increased by an average of ten percent (10%) commencing July 1, 1984. The Director of the Budget may transfer from the salary reserve fund created in Section 2 of Chapter 971 of the 1983 Session Laws for legislative salary increases for public school employees all funds necessary for the ten percent (10%) salary increase including funds for the employer's retirement and Social Security contributions.

Salaries for positions that are funded partially from the General Fund and partially from sources other than the General Fund shall be increased from the General Fund appropriation only to the extent of the proportionate part of the salaries paid from the General Fund.

The granting of the legislative salary increases under this section does not affect the status of eligibility for salary increments for which employees may be eligible.

The salary range maximums for all employees under the State Personnel Act shall be increased to accommodate the legislative salary increase so that every employee will continue to have the same relative position with respect to salary increases and future increments as he would have had if the legislative salary increases had not been made.

The salary increases provided in this act to be effective July 1, 1984, do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement whose last workday is prior to July 1, 1984.

Any remaining appropriations for legislative salary increases not required for that purpose may be used to supplement the Salary Adjustment Fund.

Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments may increase on an equitable basis the rate of

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pay of temporary State employees, subject to availability of funds in the particular agency or department by pro rata amounts approximately equal to ten percent (10%) commencing July 1, 1984.

—LEGISLATIVE EMPLOYEES/TEN PERCENT SALARY INCREASE

Sec. 207. The Legislative Administrative Officer may increase the salaries of nonelected employees of the General Assembly in effect on June 30, 1984, by ten percent (10%) commencing July 1, 1984, rounded to the nearest whole dollar figure divisible by 12 and otherwise adjusted to conform with the relative levels of the Legislative Services Commission salary schedule. The granting of this legislative percentage salary increase does not affect the status of employees' eligibility for other salary increments. Funds in the salary reserve fund created in Section 2 of Chapter 971 of the 1983 Session Laws shall provide the salary increase authorized by this section, including the employer's retirement and Social Security contributions.

—GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES

Sec. 208. G.S. 120-37(c) is amended by deleting the phrase "twenty-seven thousand twelve dollars (\$27,012)" and substituting the phrase "thirty-two thousand five hundred twenty dollars (\$32,520)".

—LEGISLATORS/SALARY AND EXPENSE INCREASE

Sec. 209. Effective upon convening of the 1985 Regular Session of the General Assembly, G.S. 120-3(a) and (b) are rewritten to read:

"(a) The Speaker of the House shall be paid an annual salary of twenty-five thousand forty-four dollars (\$25,044) payable monthly and an expense allowance of seven hundred seventy dollars (\$770.00) per month. The President Pro Tempore of the Senate shall be paid an annual salary of fifteen thousand dollars (\$15,000) payable monthly and an expense allowance of five hundred dollars (\$500.00) per month. The Speaker Pro Tempore of the House shall be paid an annual salary of twelve thousand five hundred four dollars (\$12,504) payable monthly and an expense allowance of two hundred seventy-nine dollars (\$279.00) per month. The minority leader in the House, and the majority and minority leader in the Senate shall each be paid an annual salary of ten thousand five hundred dollars (\$10,500) payable monthly, and an expense allowance of two hundred seventy-nine dollars (\$279.00) per month.

(b) Every other member of the General Assembly shall receive increases in annual salary and expense allowances only to the extent of and in the percentage equal to those received by employees of the State as general across-the-board pay increases, effective upon convening of the next regular session of the General Assembly after enactment of such percentage increase. Accordingly, upon convening of the 1985 Regular Session of the General Assembly, every other member of the General Assembly shall be paid an annual salary of eight thousand four hundred dollars (\$8,400) payable monthly, and an expense allowance of two hundred nine dollars (\$209.00) per month.

—JUDICIAL BRANCH OFFICIALS/SALARIES

Sec. 210. The annual salary, in fiscal year 1984-85, of the specified judicial branch officials is as follows:

Judicial Branch Officials	1984-85
Chief Justice, Supreme Court	\$ 67,248
Associate Justice, Supreme Court	65,856
Chief Judge, Court of Appeals	63,744
Judge, Court of Appeals	62,352

Judge, Senior Regular Resident	
Superior Court	57,192
Judge, Superior Court	55,368
Chief Judge, District Court	46,620
Judge, District Court	44,832
District Attorney	51,504
Assistant District Attorney - an	
average of	33,312
Administrative Officer of	
the Courts	57,192
Assistant Administrative Officer	
of the Courts	46,620
Public Defender	51,504
Assistant Public Defender - an	
average of	33,312

If an acting senior regular resident superior court judge is appointed under the provisions of G.S. 7A-41, he shall receive the salary for Judge, Senior Regular Resident, Superior Court, and the judge he replaces shall receive the salary indicated for Judge, Superior Court.

The district attorney or public defender of a judicial district with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed thirty-three thousand three hundred twelve dollars (\$33,312) and the minimum salary of any assistant district attorney or assistant public defender is at least sixteen thousand eight hundred twenty-four dollars (\$16,824) per annum.

Funds in the salary reserve fund created in Section 2 of Chapter 971, Session Laws of 1983, for salary increases and related employer's retirement and Social Security contributions for permanent employees of the Judicial Department, except for those itemized in this act, shall provide salary increases commencing July 1, 1984, of the same percentage as that authorized in Section 2 of Chapter 971, Session Laws of 1983, for State employees subject to the Personnel Act, rounded to conform to the steps in the salary ranges adopted by the Judicial Department.

—MAGISTRATES/SALARIES

Sec. 211. The schedule of salaries of full-time magistrates shown in the table in subdivision (1) of G.S. 7A-171.1 is deleted and the following schedule is substituted:

Number of prior years of service	Annual salary
Less than 1	\$ 11,484
1 or more but less than 3	12,480
3 or more but less than 5	13,644
5 or more but less than 7	14,868
7 or more but less than 9	16,236
9 or more	17,772

—COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES

Sec. 212. The Director of the Budget may transfer from the salary reserve fund created in Section 2 of Chapter 971 of the 1983 Session Laws funds necessary to provide an annual average salary increase of ten percent (10%), and

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the employer's retirement and Social Security contributions, commencing July 1, 1984, for all community college institutional personnel. These funds shall be allocated to individuals according to rules and regulations established by the State Board of Community Colleges and may not be used for any purpose other than for the salary increases and necessary employer's contributions.

—HIGHER EDUCATION ACADEMIC PERSONNEL/SALARY INCREASES

Sec. 213. Funds are provided in Section 2 of Chapter 971 of the 1983 Session Laws for fiscal year 1984-85 in an amount in the equivalent of a ten percent (10%) salary increase to be used in lieu of automatic and merit salary increases and longevity pay for employees of The University of North Carolina who are exempt from the State Personnel Act. Funds appropriated for this purpose are to be allocated to individuals in accordance with rules and regulations established by the Board of Governors and may not be used to establish any new positions.

—COUNCIL OF STATE/SALARIES

Sec. 214. The annual salaries of the Council of State, payable monthly, for fiscal year 1984-85, shall be as follows:

	1984-85
Lieutenant Governor	\$ 55,368
Attorney General	55,368
Secretary of State	55,368
State Treasurer	55,368
State Auditor	55,368
Superintendent of Public Instruction	55,368
Agriculture Commissioner	55,368
Insurance Commissioner	55,368
Labor Commissioner	55,368

—NON-ELECTED DEPARTMENT HEADS/SALARY INCREASE

Sec. 215. In accordance with G.S. 143B-9, the maximum annual salaries, payable monthly, of the non-elected heads of the principal State departments for fiscal year 1984-85 are:

Non-Elected Department Heads	1984-85
Secretary of Administration	\$ 55,368
Secretary of Commerce	55,368
Secretary of Correction	55,368
Secretary of Crime Control and Public Safety	55,368
Secretary of Cultural Resources	55,368
Secretary of Natural Resources and Community Development	55,368
Secretary of Revenue	55,368
Secretary of Transportation	55,368

If the Secretary of Human Resources is a physician licensed to practice medicine in this State, his annual salary is eighty-four thousand seven hundred ninety-two dollars (\$84,792); if the Secretary of Human Resources is not a physician licensed to practice medicine in this State, his annual salary is fifty-five thousand three hundred sixty-eight dollars (\$55,368).

Sec. 216. G.S. 138-4 is amended by inserting before the last sentence the following:

“The Governor under this paragraph may not increase the salary of any non-elected official above the level set in the Current Operations Appropriations Act for any member of the Council of State.”

—GOVERNOR/SALARY

Sec. 217. Effective January 1, 1985, the first sentence of G.S. 147-11 is rewritten to read:

“The salary of the Governor shall be ninety-three thousand five hundred sixteen dollars (\$93,516) payable monthly.”

—MISCELLANEOUS SALARIES

Sec. 218. Pursuant to the Separation of Powers Act of 1983, the annual salaries, payable monthly, for fiscal year 1984-85 for the following State officials are:

	1984-85
Chairman, Alcoholic Beverage Control Commission	\$ 53,256
Commissioner of Motor Vehicles	52,488
Commissioner of Banks	53,256
Deputy Banking Commissioner	40,716
Chairman, Employment Security Commission	53,256
President, Department of Community Colleges	70,056
State Personnel Director	55,368
State Highway Administrator	55,368
Chairman, Parole Commission	48,600
Members of the Parole Commission	44,832
Chairman, Industrial Commission	47,808
Members of the Industrial Commission	46,644
Executive Director, Agency for Public Telecommunications	44,832
Director, Seafood Industrial Park Authority	29,652
General Manager, Ports Railway Commission	40,440

—FREEZE CONTINUED

Sec. 219. Notwithstanding the provisions of Section 19.1 of Chapter 1137 of the 1979 Session Laws as amended by Chapter 1053 of the 1981 Session Laws, G.S. 115C-12(9)a., G.S. 126-7, or any other provision of law, no employee or officer of the public school system shall receive an automatic increment, and no State employee or officer shall receive a merit increment during the 1984-85 fiscal year, except as otherwise permitted by this act. This section expires June 30, 1985.

The General Assembly recognizes that because of budget constraints, automatic increments and annual increments have been frozen since July 1, 1982. If the State is to attract and retain qualified teachers and State employees, it is imperative that automatic increments and annual increments be reinstated as soon as possible. Therefore, the General Assembly requests that

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the Governor and the Advisory Budget Commission give the reinstatement of the annual increments and merit increments and the addition of the tenth step in the State employees salary plan the highest priority when they prepare a budget for the 1985-87 fiscal biennium.

—RESERVE FOR SUPPLEMENTAL SALARY FUNDS TO LOCAL UNITS OF GOVERNMENT

Sec. 220. Funds in the amount of seven million nine hundred five thousand six hundred dollars (\$7,905,600) as appropriated in a reserve in Section 2 of Chapter 971, Session Laws of 1983, are allocated to the Office of State Budget and Management to be used as supplemental funds to offset the impact of a ten percent (10%) State salary increase on locally operated programs receiving State funds. These funds shall be utilized only for salary increases for employees of local government as well as nongovernmental, nonprofit agencies that provide services through contractual arrangements with State and local governments. The distribution of these funds shall be in the following manner.

The Office of State Budget and Management shall calculate the portion of State funds utilized for salaries in local governmental programs as of June 30, 1984. These funds shall be distributed to local governments, and must be used for salary increases. Salary increases of more than ten percent (10%) shall not be paid from State funds.

The Office of State Budget and Management shall establish from these funds a reserve for nongovernmental programs. Funds in this reserve shall be used to provide a ten percent (10%) increase to these programs, at the time of contract renewal provided such renewals were originally scheduled during fiscal year 1984-85, for that portion of their budget related to salaries. Funds received by nongovernmental, nonprofit programs must be expended for salary increases. Salary increases of more than ten percent (10%) shall not be paid from State Funds.

As a condition of receipt of these funds, governmental and nongovernmental programs shall submit all information that is determined by the Office of State Budget and Management to be necessary to document the expenditure of these funds.

—ELIMINATION OF SALARY GRADE 50

Sec. 221. It is the intent of the General Assembly that the State Personnel Commission study the elimination of salary grade 50 from the State Personnel Salary Schedule and report its findings to the General Assembly upon the convening of the 1985 Session.

State employees whose salaries are at the hiring rate or step 1 of grade 50 as of July 1, 1984, may receive an immediate one-step salary adjustment if funds are available within the salary funds budgeted in affected departments and institutions. Employees in grade 50 above step 1 as of July 1, 1984, may receive a one-step increase during fiscal year 1984-85 if additional salary funds are available within the affected departments and institutions.

—COST-OF-LIVING ADJUSTMENTS FOR RETIREES - TEACHERS, STATE EMPLOYEES, LAW OFFICERS, JUDGES, SOLICITORS, AND SUPERIOR COURT CLERKS

Sec. 222. G.S. 135-5 is amended by adding a new subsection (ii) to read:

“(ii) From and after July 1, 1984, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1983, shall be increased by three and eight-tenths percent (3.8%) of the allowance payable on

July 1, 1983, in accordance with G.S. 135-5(o), plus an additional four and two-tenths percent (4.2%) of the allowance payable on July 1, 1983.”

Sec. 223. G.S. 143-166 is amended by adding a new subsection (x8) to read:

“(x8) From and after July 1, 1984, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1983, shall be increased by eight percent (8.0%) of the allowance payable on July 1, 1983.”

Sec. 224. G.S. 135-65 is amended by adding a new subsection (e) to read:

“(e) Increase in Benefits Paid to Members Retired on or before July 1, 1983. From and after July 1, 1984, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1983, shall be increased by eight percent (8.0%) of the allowance payable on July 1, 1983.”

—STATE'S EMPLOYER CONTRIBUTION RATES FOR RETIREMENT

Sec. 225. The State's employer contribution percentage rates of covered salaries budgeted for the retirement system for 1984-85 are: (1) ten and twenty-five hundredths percent (10.25%)-Teachers' and State Employees'; (2) eleven and sixty-three hundredths percent (11.63%) for State officers and six and sixty-three hundredths percent (6.63%) for local government officers-Law Enforcement Officers; (3) thirty and eighty-one hundredths percent (30.81%)-Uniform Judicial; (4) twenty-three and twenty-four hundredths percent (23.24%)-Uniform Solicitorial; (5) twenty-eight and twenty-five hundredths percent (28.25%)-Uniform Clerks of Superior Court; and (6) thirty-four and thirty-seven hundredths percent (34.37%)-Legislative Retirement. Each of the foregoing contribution rates except the rate for local government law enforcement officers shall be increased by eighty hundredths percent (0.80%) for hospital and medical benefits.

—STATE LEO TRANSFER AND ENHANCEMENT

Sec. 227. Effective January 1, 1985, G.S. 135-1 is amended by adding a new subdivision (11b) to read:

“(11b) 'Law Enforcement Officer' means a full-time paid employee of an employer who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State of North Carolina or serving civil processes, and who possesses the power of arrest by virtue of an oath administered under the authority of the State.”

Sec. 228. Effective January 1, 1985, G.S. 135-3 is amended by redesignating subdivision (9) as subdivision (10) and inserting a new subdivision (9) to read:

“(9) Notwithstanding the provisions of paragraphs c and d of the preceding subdivision to the contrary, a beneficiary who was a beneficiary retired on an Early or Service Retirement with the Law Enforcement Officers' Retirement System at the time of the transfer of law enforcement officers employed by the State and beneficiaries last employed by the State to this Retirement System on January 1, 1985, and who also was a contributing member of this Retirement System on January 1, 1985, shall continue to be paid his retirement allowance without restriction and may continue as a member of this Retirement System with all the rights and privileges appendant to membership.”

Sec. 229. Effective January 1, 1985, G.S. 135-3(8) is amended by redesignating paragraphs c and d as paragraphs e and f, and inserting new paragraphs c and d to read:

“c. In lieu of the benefits provided in paragraphs a and b of this subdivision, any member who is a law enforcement officer at the time of separation from service prior to the attainment of the age of 50 years, for any reason other than death or disability as provided in this Article, after completing 15 or more years of creditable service in this capacity immediately prior to separation from service, and who leaves his total accumulated contributions in this System may elect to retire on a deferred early retirement allowance upon attaining the age of 50 years or at any time thereafter; provided, that the member may commence retirement only upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to commence retirement. The deferred early retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to law enforcement officers.

d. In lieu of the benefits provided in paragraphs a and b of this subdivision, any member who is a law enforcement officer at the time of separation from service prior to the attainment of the age of 55 years, for any reason other than death or disability as provided in this Article, after completing five or more years of creditable service in this capacity immediately prior to separation from service, and who leaves his total accumulated contributions in this System may elect to retire on a deferred early retirement allowance upon attaining the age of 55 years or at any time thereafter; provided, that the member may commence retirement only upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to commence retirement. The deferred early retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to law enforcement officers.”

Sec. 230. Effective January 1, 1985, G.S. 135-4(e) is amended by the addition of a paragraph at the end to read:

“On and after January 1, 1985, the creditable service of a member who was a member of the Law Enforcement Officers’ Retirement System at the time of the transfer of law enforcement officers employed by the State from that System to this Retirement System and whose accumulated contributions are transferred from that System to this Retirement System, shall include service that was creditable in the Law Enforcement Officers’ Retirement System; and membership service with that System shall be membership service with this Retirement System; provided, notwithstanding any provision of this Article to the contrary, any inchoate or accrued rights of such a member to purchase creditable service for military service, withdrawn service and prior service under the rules and regulations of the Law Enforcement Officers’ Retirement System shall not be diminished and may be purchased as creditable service with this Retirement System under the same conditions which would have otherwise applied.”

Sec. 231. Effective January 1, 1985, G.S. 128-26(i) and G.S. 135-4(k) are amended in the first sentence of each by deleting the phrase “Law Enforcement Officers’ Benefit and Retirement Fund” and inserting the phrase “the Law Enforcement Officers’ Retirement System”; and, is further amended in the second sentence of each after the phrase “G.S. 135-5(f)” and before the word

“and” by inserting the phrase “or the rules and regulations of the Law Enforcement Officers’ Retirement System”.

Sec. 232. Effective January 1, 1985, G.S. 135-5 is amended by adding a new subsection (b8) in each to read:

“(b8) Service Retirement Allowance of Law Enforcement Officers Retiring on or after January 1, 1985. Upon retirement from service, in accordance with subsection (a) of this section, on or after January 1, 1985, a member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

- (1) If the member’s service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and fifty-seven one hundredths percent (1.57%) of his average final compensation, multiplied by the number of years of his creditable service.
- (2) If the member’s service retirement date occurs after his 50th and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to his completion of 30 years of creditable service, his retirement allowance shall be computed as in (1) above, but shall be reduced by one-third of one percent ($1/3$ of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 55th birthday.”

Sec. 233. Effective January 1, 1985, G.S. 135-5(c) is amended by the addition of a paragraph at the end to read:

“Notwithstanding the requirement of five or more years of creditable service to the contrary, a member who is a law enforcement officer and who has had one year or more of creditable service and becomes incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty, and meets all other requirements for disability retirement benefits, may be retired by the Board of Trustees on a disability retirement allowance.”

Sec. 234. Effective January 1, 1985, G.S. 135-5(e)(1) is amended by the addition of a sentence at the end to read: “Provided, the provisions of this subdivision shall not apply to beneficiaries of the Law Enforcement Officers’ Retirement System transferred to this Retirement System who commenced retirement on and before July 1, 1981.”

Sec. 235. Effective January 1, 1985, G.S. 135-5(m)(1) is rewritten to read: “The member had attained such age and/or creditable service to be eligible to commence retirement with an Early or Service Retirement Allowance.”

Sec. 236. Effective January 1, 1985, G.S. 135-3(1) is amended by deleting the fourth sentence which begins with the phrase “Provided, that”, and the fifth sentence and the sixth sentence which ends with the phrase “non-law-enforcement duties”.

Sec. 237. Effective January 1, 1985, G.S. 135-5(a) is amended at the end by adding a new subdivision (4) to read:

“(4) Any member who is a law enforcement officer, and who attains age 50 and completes 15 or more years of creditable service in this capacity or who attains age 55 and completes five or more years of creditable service in this capacity, may retire upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than 30 days

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nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; Provided, also, any member who has met the conditions herein required but does not retire, and later becomes a teacher or an employee other than as a law enforcement officer shall continue to have the right to commence retirement.”

Sec. 238. Effective January 1, 1985, G.S. 135-6(b) is amended by deleting the number “13” and substituting the number “14”, and is further amended in subdivision (3) thereof by deleting the word “Nine” and substituting the word “Ten”, and is further amended in subdivision (3) at the end of the second sentence between the phrase “four years” and the period by inserting the phrase “; one appointive member shall be a law enforcement officer employed by the State, appointed by the Governor, for a term of four years commencing April 1, 1985”.

Sec. 239. Effective January 1, 1985, G.S. 143-166(a) is amended in the first paragraph after the phrase “eligible law enforcement officers” and before the comma by inserting the phrase “employed by local governments of the State”; and is further amended in the second paragraph by deleting the phrase “two dollars (\$2.00) for each cost of court” and substituting the phrase “one and one-half dollars (\$1.50) for each cost of court”.

Sec. 240. Effective January 1, 1985, G.S. 143-166(a1) is amended in the first sentence by deleting the phrase “payable by the State and each county, city, town or political subdivision thereof” and substituting the phrase “payable by each county, city, town or other political subdivision of the State”; and is further amended in the second sentence by deleting the phrase “other than the State”.

Sec. 241. Effective January 1, 1985, G.S. 143-166(b) is amended in the second sentence by deleting the phrase “shall consist of 10 members” and substituting the phrase “shall consist of eight members”; and is further amended in paragraph (4) by deleting the phrase “Five members to be appointed” and substituting the phrase “Four members to be appointed”; and is further amended in paragraph (4) by deleting the phrase “one a law enforcement officer employed by the State,”.

Sec. 242. Effective January 1, 1985, G.S. 143-166(i1) is amended in the first paragraph by deleting the colon and by deleting subdivision (1); and is further amended by deleting the phrase “(2) A County, city, town or other political subdivision of the State (hereinafter referred to as ‘other employer’)” and substituting the phrase “a county, city, town or other political subdivision of the State (hereinafter referred to as an ‘employer’)”; and is further amended by deleting the phrase “other employers” wherever it appears and substituting the word “employers”.

Sec. 243. Effective January 1, 1985, G.S. 143-166(i1) is amended in the second and third paragraphs by deleting wherever it appears the phrase “picked up by the State or other employer” and substituting the phrase “picked up by an employer”.

Sec. 244. Effective January 1, 1985, G.S. 143-166(m) is amended in the first sentence by deleting the phrase “employed by the State of North Carolina or any political subdivision thereof” and substituting the phrase “employed by a political subdivision of the State”.

Sec. 245. Effective January 1, 1985, G.S. 143-166(o) and (p) are repealed.

Sec. 246. Effective January 1, 1985, G.S. 143-166.03(a) is amended in the first sentence by deleting the phrase "The State and any county, city, town or political subdivision thereof" and substituting the phrase "Any county, city, town or other political subdivision of the State"; and is further amended in the second sentence by deleting the phrase ", other than the State,".

Sec. 247. Effective January 1, 1985, G.S. 143-166.03(e) is repealed.

Sec. 248. Effective January 1, 1985, Chapter 143 of the General Statutes is amended by adding an Article at the end to read:

"ARTICLE 12C.

"Retirement Benefits for State Law

Enforcement Officers.

"§ 143-166.30. Retirement benefits for State law enforcement officers.—(a) Definitions. The following words and phrases as used in this Article, unless a different meaning is plainly required by the context, shall have the following meanings:

- (1) 'Beneficiary' means any person in receipt of a retirement allowance or other benefit from a Retirement System.
- (2) 'Creditable service' means membership service plus prior service plus military service allowable with a Retirement System.
- (3) 'Employer' means the State of North Carolina and its departments, agencies and institutions.
- (4) 'Law enforcement officer' means a full-time paid employee of an employer who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State or serving civil processes, and who possesses the power of arrest by virtue of an oath administered under the authority of the State.
- (5) 'Member' means an officer included in the membership of a retirement system including former officers no longer employed who also elected to leave their accumulated contributions on deposit with a Retirement System.
- (6) 'Officer' means a 'law enforcement officer'.
- (7) 'Participant' means an officer with an individual account with the Supplemental Retirement Income Plan.
- (8) 'Regular accumulated contributions' means the sum of all contributions of a member made to the Retirement System, together with regular interest thereon, pursuant to G.S. 143-166 as the same appeared prior to January 1, 1985.
- (9) 'Retirement allowance' means annual payments for life payable in monthly installments continuing until the death of a beneficiary.
- (10) 'Law Enforcement Officers' Retirement System' means the system provided for under G.S. 143-166.
- (11) 'Special annuity account accumulated contributions' means the sum of all contributions of a member or an employer made to the Special Annuity Accounts for Members of the Law Enforcement Officers' Retirement System, together with regular interest thereon, pursuant to G.S. 143-166.03 as the same appeared prior to January 1, 1985.
- (12) 'Special Annuity Accounts' means the supplemental defined contribution provisions of the Law Enforcement Officers' Retirement

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System, provided for under G.S. 143-166.03 as the same appeared prior to January 1, 1985.

(13) 'State' means the State of North Carolina.

(14) 'State Retirement System' means the Teachers' and State Employees' Retirement System of North Carolina provided for under Article 1 of Chapter 135 of the General Statutes.

(15) 'Supplemental Retirement Income Plan' means a plan created in conformance with Section 401(a), 401(k), or any other section of the Internal Revenue Code of 1954 as amended.

(b) Basic Retirement System. On and after January 1, 1985, law enforcement officers employed by the State shall be members of the Teachers' and State Employees' Retirement System and beneficiaries who were last employed as officers by the State, or who are surviving beneficiaries of officers last employed by the State, shall be beneficiaries of the State Retirement System and paid in benefit amounts then in effect. All members of the Law Enforcement Officers' Retirement System last employed and paid by the State shall be members of the State Retirement System.

(c) Transfers of Assets and Liabilities to Other Retirement Systems. As of January 1, 1985, certain assets and liabilities of the Law Enforcement Officers' Retirement System shall be transferred to the Teachers' and State Employees' Retirement System and the Supplemental Retirement Income Plan in the amounts calculated and in the order of precedence enumerated as follows:

(1) The regular accumulated contributions of members of the Law Enforcement Officers' Retirement System employed by the State or last employed by the State shall be transferred from the annuity savings fund of the Law Enforcement Officers' Retirement System to the annuity savings fund of the State Retirement System to the credit of each individual officer.

(2) An amount equal to the present value of the liabilities on account of the retirement allowances payable to beneficiaries last employed as officers by the State and the surviving beneficiaries of officers last employed by the State, as calculated by the Retirement System's consulting actuary, shall be transferred from the pension accumulation fund of the Law Enforcement Officers' Retirement System to the pension accumulation fund of the State Retirement System.

(3) After the transfers provided for above, additional assets in the pension accumulation fund of the Law Enforcement Officers' Retirement System shall be transferred to the pension accumulation fund of the State Retirement System, in an amount equal to the ratio of the accrued liabilities on account of members of the Law Enforcement Officers' Retirement System employed by the State or last employed by the State to the total accrued liabilities on account of all members of the Law Enforcement Officers' Retirement System.

(4) The special annuity account accumulated contributions shall be transferred from the special annuity savings fund of the Law Enforcement Officers' Retirement System to the Supplemental Retirement Income Plan pursuant to subsection (d) of this section to the credit of individual officers.

(d) Supplemental Retirement Income Plan for State Law Enforcement Officers. As of January 1, 1985, there shall be created a Supplemental

Retirement Income Plan, hereinafter called the 'Plan', established for the benefit of all law enforcement officers employed by the State, who shall be participants. The Board of Trustees of the State Retirement System shall administer the Plan and shall, under the terms and conditions otherwise appearing herein, provide Plan benefits either (i) by establishing a separate trust fund in conformance with Section 401(a), Section 401(k) or other sections of the Internal Revenue Code of 1954 as amended or, (ii) by causing the Plan to affiliate with some master trust fund providing the same benefits for participants. The Plan shall be separate and apart from any retirement systems.

In addition to the contributions transferred from the Law Enforcement Officers' Retirement System and the contributions otherwise provided for in this Article, participants may make voluntary contributions to the Plan to be credited to the designated individual accounts of participants; provided, in no instance shall the total contributions by a participant exceed ten percent (10%) of a participant's compensation within any calendar year.

All contributions to the Plan shall be credited to the individual accounts of participants, and shall be fully and immediately vested in the name of the participant, and shall be invested according to each participant's election, as provided by the Board of Trustees, including but not limited to time deposits, and both fixed and variable investments. The Plan may provide for loans to participants, at reasonable rates of interest to be charged, from participants' individual accounts, and may provide for withdrawal of contributions on account of hardship.

The benefit to a participant in the Plan shall be either a lump-sum distribution or a distribution in periodic installments of the participant's account payable under retirement, disability, or termination of employment. Upon the death of a participant there shall be paid the same lump-sum distribution or periodic installments to the surviving spouse of the participant or otherwise to the participant's estate; provided, should a participant instruct the Board of Trustees in writing that he does not wish these benefits to be paid to his spouse or estate, then the benefits shall be paid to the person or persons as the participant may name for this purpose.

(e) State Contributions to the Supplemental Retirement Income Plan. Under all other restrictions as are herein provided, the State shall contribute monthly to the individual accounts of participants who are employed by the State an amount equal to five percent (5%) of the compensation of each participant. The contributions so paid shall be in addition to the contributions on account of court cost assessments as hereinafter provided.

Contributions shall be made to the individual accounts of all participants in the Plan on a per capita basis in equal shares, equal to the sum of the one-half dollar (\$0.50) for each cost of court assessed and collected under G.S. 7A-304.

The provisions of the State Retirement System pertaining to administration and management of funds under G.S. 135-6 and 7 are made applicable to the Plan.

(g) Exemption from Taxes, Garnishment and Attachment. The right of a participant in the Supplemental Retirement Income Plan to the benefits provided under this Article is nonforfeitable and exempt from levy, sale, garnishment, and the benefits payable under this Article are hereby exempt from any State and local government taxes.

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(h) Notwithstanding any other provisions of law, any pending or inchoate rights of a member of the Law Enforcement Officers' Retirement System as of their transfer to the State Retirement System on January 1, 1985, including the rights to a vested deferred retirement allowance and to commence retirement at certain ages with required years of service as a law enforcement officer, shall in no way be diminished; provided, however, in no event may a member commence retirement and continue membership service with the same Retirement System."

Sec. 249. Effective January 1, 1985, G.S. 7A-304(a)(3) is amended by deleting the phrase "Law-Enforcement Officers' Benefit and Retirement Fund" and substituting the phrase "retirement and insurance benefits of law enforcement officers"; and is further amended after the phrase "Article 12" by inserting the phrase "and Article 12C".

—RETIREMENT STUDY/SHERIFFS AND REGISTERS OF DEEDS

Sec. 250. Recognizing the interest of the sheriffs and the registers of deeds of the various counties of this State in a separate retirement system, the Governor's recommendation that a retirement system for sheriffs be established, and the necessity of accurate actuarial information to establish a retirement system, the General Assembly recommends that the sheriffs and the registers of deeds request the North Carolina Association of County Commissioners to devise and submit to the 1985 General Assembly, or a later General Assembly if the sheriffs and registers of deeds consider it appropriate, a plan for a retirement system for sheriffs and registers of deeds that:

- (1) has been determined to be actuarially sound;
- (2) will be funded by counties, sheriffs, and registers of deeds without a State appropriation; and
- (3) is commensurate with the way and manner in which sheriffs and registers of deeds are compensated for their services.

Although the sheriffs of the various counties have expressed an extreme interest in a separate retirement system for the elected sheriffs of the State, and various registers of deeds have asked individual legislators for a like retirement system, neither the sheriffs nor the registers of deeds presented a bill to this session of the General Assembly or sufficient information for the General Assembly to devise a retirement system for sheriffs and registers of deeds. The salaries of sheriffs and registers of deeds of the various counties vary greatly, and no schedule of salaries or list of the ages of the sheriffs or registers of deeds was presented to the General Assembly. Without this information, a sound actuarial analysis and recommendations for the funding of the system cannot be made. Because the salaries of sheriffs and registers of deeds are paid by the counties, and retirement is based on salaries paid, the State cannot determine the amount of contributions and funds necessary to establish such a retirement system.

—RESTORE DISCONTINUED SERVICE RETIREMENT ALLOWANCE AND SEVERANCE WAGES FOR CERTAIN STATE EMPLOYEES

Sec. 251. Subsection (R) of Section 217 of Chapter 923 of the 1983 Session Laws is repealed, and G.S. 143-27.2, as rewritten by Section 225 of Chapter 761 of the 1983 Session Laws, is revived. The intent of this section is to provide discontinued service retirement allowances or severance wages to eligible employees and former State employees who have been terminated prior to June 1, 1984, but who have not yet received their severance wages or

discontinued service retirement allowances, or who may have been terminated on or after June 1, 1984, but prior to the enactment of this section, as well as to all eligible employees who were terminated on or after the effective date of this section.

PART XXII.—SPECIAL PROVISIONS/APPROPRIATIONS ACT
—EXECUTIVE BUDGET ACT REFERENCE

Sec. 252. The provisions of the Executive Budget Act, Chapter 143, Article 1, of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

—EFFECT OF MOST LIMITATIONS AND DIRECTIONS IN TEXT/ ONLY - 1984-85

Sec. 253. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1984-85 fiscal year, the textual provisions of this act shall apply only to funds appropriated for, and activities occurring during, the 1984-85 fiscal year.

—RETAIN APPROPRIATIONS LIMITATIONS AND DIRECTIONS

Sec. 254. Except where expressly repealed or amended by this act, or by Chapter 971 of the 1983 Session Laws the provisions of Chapters 757 and 761 of the 1983 Session Laws as amended remain in effect.

Sec. 255. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1983-85 fiscal biennium or for the 1984-85 fiscal year in Chapters 757, 761 and 971 of 1983 Session Laws as amended that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations of this act and in Chapter 971 of the 1983 Session Laws for those same particular purposes.

—SEVERABILITY CLAUSE

Sec. 256. If any section or provision of this act is declared unconstitutional or invalid by the courts, it shall not affect the validity of this act or Chapter 971 of the 1983 Session Laws as a whole or any part other than the part so declared to be unconstitutional or invalid.

—EFFECTIVE DATE

Sec. 257. Except as otherwise provided by this act, this act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 1697 CHAPTER 1035

AN ACT TO EXEMPT FROM INHERITANCE TAX ONE-HALF THE AMOUNT OF CERTAIN PERSONAL PROPERTY HELD BY A HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-2 is amended by inserting a new subdivision between subdivisions (7) and (8) to read:

“(7a) When a husband and wife hold funds in a joint deposit account as joint tenants with the right of survivorship or own corporate stock or investment securities as joint tenants with the right of survivorship, the surviving spouse is taxable on no more than one-half of the amount in the joint deposit account or

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one-half of the amount of the corporate stock or investment securities. The surviving spouse may be taxable on less than one-half of the amount in the deposit account or the amount of the corporate stock or investment securities if, pursuant to subdivision (9), the surviving spouse can establish that he or she provided over one-half of the funds in the account or over one-half of the funds or property used to acquire the corporate stock or investment securities."

Sec. 2. This act shall become effective July 1, 1984, and shall apply to the estates of decedents dying on or after that date.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 1701 CHAPTER 1036

AN ACT TO PERMIT ASSIGNMENTS OF STATE EMPLOYEES' WAGES MADE TO MEET CHILD SUPPORT OBLIGATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-62 is amended by designating the language of the existing section as subsection (a) and by adding a new subsection (b) to read:

"(b) Subsection (a) of this section shall not apply to assignments made to meet child support obligations pursuant to G.S. 110-136.1."

Sec. 2. Nothing herein contained shall be construed to obligate the General Assembly to make additional appropriations to implement the provisions of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 1739 CHAPTER 1037

AN ACT TO REPEAL OR AMEND VARIOUS STATUTES TO CONFORM WITH THE NORTH CAROLINA RULES OF EVIDENCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1446(b) is amended by inserting between the words "errors" and "in" the words "affecting substantial rights".

Sec. 2. Article 7A of Chapter 8 of the General Statutes is repealed.

Sec. 3. The second sentence of G.S. 8-56 is repealed.

Sec. 4. G.S. 50-10 is amended by deleting from the catch line the phrase "parties cannot testify to adultery;" and by repealing the last sentence of the section.

Sec. 5. G.S. 8-51 is repealed.

Sec. 6. G.S. 15A-1223 is amended as follows:

(1) by deleting subsection (b)(2);

(2) by adding a new subsection to read:

"(e) A judge must disqualify himself from presiding over a criminal trial or proceeding if he is a witness for or against one of the parties in the case."

Sec. 7. G.S. 7A-677(b) is amended by deleting the words the words "criminal or".

Sec. 8. G.S. 7A-678 is amended by deleting the words "criminal or".

Sec. 9. Article 7B of Chapter 8 of the General Statutes is repealed.

Sec. 10. G.S. 8-40.1 is repealed.

Sec. 11. G.S. 8-51.1 is rewritten to read:

“§ 8-51.1. Dying declarations.—Dying declarations admissible in administrative proceedings shall be as provided in G.S. 8C-1, Rule 804.”

Sec. 12. G.S. 8-40 is repealed.

Sec. 13. G.S. 8-38 is repealed.

Sec. 14. G.S. 8C-1, Rule 1101(b)(3) is amended by deleting the phrase “; juvenile proceedings, except those under G.S. 7A-634(a)”.

Sec. 15. The Revisor of Statutes is authorized to amend the Commentary to G.S. 8C-1 to conform with the provisions of this act and to remove references in the Commentary to legislative actions suggested but which are not taken in this act.

Sec. 16. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

S. B. 780

CHAPTER 1038

AN ACT TO CLARIFY AND MAKE TECHNICAL AMENDMENTS TO ARTICLE 17 OF CHAPTER 120 OF THE GENERAL STATUTES, CONFIDENTIALITY OF LEGISLATIVE COMMUNICATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-129 is amended by inserting a new subdivision (1a) to read:

“(1a) ‘Legislative commission’ means any commission or committee which the Legislative Services Commission is directed or authorized to staff by law or resolution and which it does, in fact, staff.”

Sec. 2. Subdivision (2) of G.S. 120-129 is amended by inserting “or of legislative commissions” after the words “General Assembly” and before the words “who are paid”.

Sec. 3. G.S. 120-129(3) is amended by deleting the words “duly elected or appointed” and inserting in lieu thereof the words “member-elect, member-designate, or”.

Sec. 4. G.S. 120-131(b)(4) is amended by deleting the words “study commission, or study” and inserting in lieu thereof the words “legislative commission”.

Sec. 5. G.S. 120-132(1) is amended by inserting the words “or a legislative commission” after the words “General Assembly” and before the semicolon “;”.

Sec. 6. The first sentence of G.S. 120-134 is amended by deleting the words “section (Article)” and inserting in lieu thereof the word “Article”.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

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H. B. 474 CHAPTER 1039

AN ACT TO ALLOW THE AWARDING OF ATTORNEY'S FEES IN CERTAIN CIVIL CASES.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 6 is amended by adding a new section to read:

“§ 6-21.5. Attorney's fees in nonjusticiable cases.—In any civil action or special proceeding the court, upon motion of the prevailing party, may award a reasonable attorney's fee to the prevailing party if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party in any pleading. The filing of a general denial or the granting of any preliminary motion, such as a motion for judgment on the pleadings pursuant to G.S. 1A-1, Rule 12, a motion to dismiss pursuant to G.S. 1A-1, Rule 12(b)(6), a motion for a directed verdict pursuant to G.S. 1A-1, Rule 50, or a motion for summary judgment pursuant to G.S. 1A-1, Rule 56, is not in itself a sufficient reason for the court to award attorney's fees, but may be evidence to support the court's decision to make such an award. A party who advances a claim or defense supported by a good faith argument for an extension, modification, or reversal of law may not be required under this section to pay attorney's fees. The court shall make findings of fact and conclusions of law to support its award of attorney's fees under this section.”

Sec. 2. This act shall become effective October 1, 1984, and applies to actions begun on and after that date.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 578 CHAPTER 1040

AN ACT TO PROVIDE THAT THE WAKE COUNTY ABC BOARD CONSIST OF FIVE MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 18B-700(a) of the General Statutes is amended to read as follows:

“(a) Membership. The Wake County ABC Board shall consist of five members appointed for three-year terms. The three members appointed prior to the effective date of this act shall complete their terms as appointed. One of the two new members appointed after the effective date of this act shall be appointed for a two-year initial term and the other for a three-year initial term. Thereafter, all appointments shall be for three-year terms. The appointing authority shall designate one member of the local board as chairman.”

Sec. 2. This act applies to Wake County only.

Sec. 3. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 687

CHAPTER 1041

AN ACT TO ALLOW THE PURCHASE OF CREDITABLE SERVICE FOR STATE AND LOCAL GOVERNMENT EMPLOYMENT BY MEMBERS OF THE UNIFORM JUDICIAL, SOLICITORIAL AND CLERKS OF SUPERIOR COURT RETIREMENT SYSTEMS AT A COST EQUAL TO THE FULL ACTUARIAL LIABILITY.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 135 is amended by adding a new section designated as 56.2 to read:

“§ 135-56.2. Creditable Service for Other Employment.—Any member may purchase creditable service for service as a State teacher or employee, as defined under G.S. 135-1(10) and (25), and for service as an employee of local government, as defined under G.S. 128-21(10). The member, after the transfer of any accumulated contributions from the Teachers’ and State Employees’ Retirement System or Local Governmental Employees’ Retirement System, shall pay an amount equal to the full cost of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the Retirement System’s liabilities, taking into account the additional retirement allowance arising on account of the additional service credits commencing at the earliest age at which the member could retire with an unreduced retirement allowance as determined by the Board of Trustees upon the advice of the consulting actuary, plus an administrative fee as set by the Board of Trustees.”

Sec. 2. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 1261

CHAPTER 1042

AN ACT TO PROVIDE WORKERS’ COMPENSATION FOR FARM WORKERS ON FARMS WITH TEN OR MORE WORKERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-2(1) is amended by adding immediately after the words “except agriculture and domestic services,” the words “unless 10 or more full-time nonseasonal agricultural workers are regularly employed by the employer”.

Sec. 2. G.S. 97-13(b) is amended by adding immediately after the words “farm laborers” the words “when fewer than 10 full-time nonseasonal farm laborers are regularly employed by the same employer”.

Sec. 3. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 1365

CHAPTER 1043

AN ACT TO AMEND THE POWERS AND DUTIES OF THE UTILITIES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-2 is amended by adding a new paragraph at the end of the present section to read:

“Because of technological changes in the equipment and facilities now available and needed to provide telephone and telecommunications services, changes in regulatory policies by the federal government, and changes resulting from the court-ordered divestiture of the American Telephone and Telegraph Company, competitive offerings of certain types of telephone and telecommunications services may be in the public interest. Consequently, authority shall be vested in the North Carolina Utilities Commission to allow competitive offerings of long distance services by public utilities defined in G.S. 62-3(23)a.6. and certified in accordance with the provisions of G.S. 62-110.”

Sec. 2. G.S. 62-110 is amended by adding two new paragraphs at the end of the existing paragraph to read:

“The Commission shall be authorized to issue a certificate to any person applying to the Commission to offer long distance services as a public utility as defined in G.S. 62-3(23)a.6., provided that such person is found to be fit, capable, and financially able to render such service, and that such additional service is required to serve the public interest effectively and adequately; provided further, that in such cases the Commission shall consider the impact on the local exchange customers and only permit such additional service if the Commission finds that it will not jeopardize reasonably affordable local exchange service. Notwithstanding any other provision of law, the terms, conditions, rates, and interconnections for long distance services offered on a competitive basis shall be regulated by the Commission in accordance with the public interest. In promulgating rules necessary to implement this provision, the Commission shall consider whether uniform or nonuniform application of such rules is consistent with the public interest. Provided further that the Commission shall consider whether the charges for the provision of interconnections should be uniform.

For purposes of this section, long distance services shall include the transmission of messages or other communications between two or more central offices wherein such central offices are not connected on July 1, 1983, by any extended area service, local measured service, or other local calling arrangement.”

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

H. B. 1544 CHAPTER 1044

AN ACT TO GRANT A EIGHT PERCENT INCREASE IN THE RETIREMENT ALLOWANCES OF BENEFICIARIES IN THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM PAYABLE BEGINNING JULY 1, 1984.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27 is amended by adding a new subsection to read:

"(z) Notwithstanding the foregoing provisions, the increase in allowance to each beneficiary as of July 1, 1983, which shall become payable on July 1, 1984, shall be three and eight-tenths percent (3.8%) as provided in G.S. 128-27(k) plus an additional four and two-tenths percent (4.2%) to a total of eight percent (8%). The provision of this subsection shall apply also to the allowance of a surviving annuitant of a beneficiary. The cost of these increases shall be borne from the funds of the Retirement System."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

S. B. 815 CHAPTER 1045

AN ACT TO PERMIT MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE CREDITS FOR EMPLOYMENT WITH A LOCAL GOVERNMENT EMPLOYER AND TO REPEAL THE PROVISION FOR LOCAL GOVERNMENT SERVICE CREDITS AT NO COST TO MEMBERS WITH PAST SERVICE WITH A NEW PARTICIPATING EMPLOYER IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-4 is amended by adding a new subsection (t) to read:

"(t) Credit at Full Cost for Local Government Employment. Any member may purchase creditable service for any employment as an employee, as defined in G.S. 128-21(10), of a local government employer not creditable in the North Carolina Local Governmental Employees' Retirement System upon completion of 10 years of membership service by making a lump-sum payment into the Annuity Savings Fund. The payment by the member shall be equal to the full liability of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the Retirement System's liabilities, taking into account the additional retirement allowance arising on account of the additional service credits commencing at the earliest age at which the member could retire with an unreduced retirement allowance, as determined by the Board of Trustees upon the advice of the actuary plus an administrative expense fee to be determined by the Board of Trustees."

Sec. 2. G.S. 135-4(a) is amended by substituting a period for the last semicolon in the first sentence and deleting the remainder of that sentence and the following sentence.

Sec. 3. Notwithstanding any provisions of this Article to the contrary, any inchoate or accrued rights of a member in service on July 1, 1974, for service credits at no cost for employment with a local government whose

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participation in the Local Governmental Employees' Retirement System began prior to July 1, 1984, shall in no way be diminished.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

S. B. 847 CHAPTER 1046

AN ACT TO CHANGE THE EXPIRATION DATE OF THE LIFE CARE CENTERS CERTIFICATE OF NEED LAW.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of Section 3 of Chapter 920, Session Laws of 1983, is amended by adding the following immediately before the period:

“, except that a certificate may be granted under this act after that date if the application was in process and the Certificate of Need Section of the Division of Facilities Services had determined the application complete for review as of that date.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

S. B. 514 CHAPTER 1047

AN ACT TO ESTABLISH A CHILD SUPPORT PROCESSING FEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-136 is amended by rewriting subsection (c) to read:

“(c) Following the hearing held pursuant to this section, the court may enter an order of garnishment not to exceed forty percent (40%) of the responsible parent's monthly disposable earnings. If an order of garnishment is entered, a copy of same shall be served on the responsible parent and the garnishee either personally or by certified or registered mail, return receipt requested. The order shall set forth sufficient findings of fact to support the action by the court and the amount to be garnished for each pay period. The amount garnished shall be increased by an additional one dollar (\$1.00) processing fee to be assessed and retained by the employer for each payment under the order. The order shall be subject to review for modification and dissolution upon the filing of a motion in the cause.”

Sec. 2. G.S. 110-136.1 is amended by adding a new sentence at the end to read:

“The amount assigned shall be increased by an additional one dollar (\$1.00) processing fee to be assessed and retained by the employer for each payment under the order.”

Sec. 3. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1369

CHAPTER 1048

AN ACT RELATING TO THE THREE SCHOOL SYSTEMS IN IREDELL COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other public or local act, the Iredell County Board of Education, the Statesville Board of Education and the Mooresville Board of Education are authorized and encouraged to enter into cooperative programs, either among themselves or with Mitchell Community College, which provide opportunities for young people in such areas as vocational, education, health sciences, dramatic and visual arts, music, exceptional children and such other areas as appropriate. School transportation equipment may be used to transport students involved in these programs to and from centralized locations where such programs are offered.

Sec. 2. These cooperative programs are authorized and encouraged while the Iredell County Commissioners endeavor to raise financial support for public schools throughout the county to the point where potential reorganization of the three administrative units becomes fiscally more feasible than at the present time. To that end, the two systems with special local funding will reduce their request to the supplemental agency in a proportion agreed to by the respective Boards of Education with consideration given to the educational needs of the children they serve.

Sec. 3. To facilitate the transfer of students among the three administrative units such factors as unreasonable distance from school, excessive time spent on school buses, availability of programs or the lack of programs, whether other members of the same family are attending the school in question and whether the school to which transfer is sought can accommodate additional students shall, along with other considerations, be the measure of a child's attendance in a particular school in a particular administrative unit.

Paramount among all considerations shall be the best interest of the student.

Sec. 4. The Chairmen and Superintendents of the Iredell County, Statesville and Mooresville Boards of Education, working in conjunction with the Iredell County Commissioners, are hereby directed to develop a calendar of events that will lead to a more efficient and more productive educational delivery system. Considerations shall include, but are not limited to, the following:

- (1) Capital needs.
- (2) Redistricting of student populations and attendance zones.
- (3) Improvement in curriculum.
- (4) Governance plan to include district representation.
- (5) Calling a referendum to allow the Iredell County School System to levy a school tax outside the Statesville and Mooresville School Districts.
- (6) Calling for a referendum on consolidation.

The calendar with supporting documentation will be forwarded to the General Assembly by May 1, 1986.

Sec. 5. This act is effective upon ratification and shall apply only to Iredell County.

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In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1736

CHAPTER 1049

AN ACT TO MODIFY THE COVERAGE UNDER THE GROUP LIFE INSURANCE PLANS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES', LOCAL GOVERNMENTAL EMPLOYEES' AND LAW ENFORCEMENT OFFICERS' RETIREMENT SYSTEMS SO AS TO CAUSE INSURANCE PROCEEDS TO BE PAYABLE ON ACCOUNT OF THE DEATH OF ANY MEMBER WITHIN SIX MONTHS AFTER LEAVING PAY STATUS FOR ANY REASON, AT NO COST TO THE RETIREMENT SYSTEMS OR STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27(l)(2), G.S. 135-5(l)(2) and G.S. 143-166.02(2) are each rewritten to read:

“(2) The greatest compensation on which contributions were made by the member during a 12-month period of service within the 24-month period of service ending on the last day of the month preceding the month in which his last day of actual service occurs;”.

Sec. 2. G.S. 128-27(l)(3), G.S. 135-5(l)(3), G.S. 135-5(l)(4) and G.S. 143-166.02(3) are repealed.

Sec. 3. G.S. 128-27(l), G.S. 135-5(l) and G.S. 143-166.02 are each amended in the first paragraph of each by deleting the last sentence which reads: “For the purpose of this Plan, a member shall be deemed to be in service at the date of his death if his last day of actual service occurred not more than 90 days before the date of his death or if his last day of actual service occurred not more than 366 days before the date of his death if such member during said one-year period had applied for and was entitled to receive a disability retirement allowance under the System, provided said disability retirement allowance had not been discontinued or revoked during said one-year period.” and by substituting a sentence to read:

“For the purpose of the Plan, a member shall be deemed to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service.”

Sec. 4. No inchoate or pending right of any beneficiary in receipt of a disability retirement allowance from the Teachers' and State Employees', Local Governmental Employees', or Law Enforcement Officers' Retirement Systems, on the date of ratification of this act shall be diminished.

Sec. 5. This act is effective January 1, 1984.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1779

CHAPTER 1050

AN ACT TO CODIFY CERTAIN CRIMES AND DEFENSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-217 is amended by designating the present language as subsection (a) and is further amended at line 4 by adding between the words "act" and "or" the following words: "which lay within the scope of his official authority and was connected with the discharge of his official and legal duties," and G.S. 14-217 is further amended by adding new subsections to read as follows:

"(b) Indictments issued under these provisions shall specify:

- (1) the thing of value or personal advantage sought to be obtained; and
- (2) the specific act or omission sought to be obtained; and
- (3) that the act or omission sought to be obtained lay within the scope of the defendant's official authority and was connected with the discharge of his official and legal duties."

(c) A person commits the offense of conspiracy to commit bribery as defined in subsection (a) when:

- (1) he or she agrees with one or more persons to commit bribery as defined in subsection (a); and
- (2) he or she and at least one other person intend at the time of the agreement that it be carried out; and
- (3) he or she commits at least one overt act to carry out an object of the conspiracy.

A person cannot be convicted of conspiracy to commit bribery as defined in subsection (a) unless all elements of this section are present and are alleged in the bill of indictment including a specific statement setting forth the overt act committed."

Sec. 2. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1165

CHAPTER 1051

AN ACT TO EMPOWER CATAWBA MEMORIAL HOSPITAL AND ALEXANDER COUNTY HOSPITAL TO USE ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING UNPAID BILLS.

The General Assembly of North Carolina enacts:

Section 1. Whenever hospital services are provided by Catawba Memorial Hospital or Alexander County Hospital and a recipient of the services fails to pay the charges fixed for the services for a period of 180 days after demand is made for the rendering of the payment for the services, the hospital may treat the amount due for the services as if it were a tax due to Catawba County or Alexander County as the case may be and may attach wages or other compensation, rents, bank deposits, or any other intangible property and may proceed to collect the amount due through the use of attachment and garnishment proceedings as provided in G.S. 105-364 and G.S. 105-368.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1511

CHAPTER 1052

AN ACT TO AMEND CHAPTER 320 OF THE 1981 SESSION LAWS CONCERNING STREET IMPROVEMENTS AND ASSESSMENTS IN DARE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 320 of the 1981 Session Laws which created a new Article 10A of Chapter 160A concerning "Street Assessments Without Petition" applicable in Dare County only is amended in G.S. 160A-293.1(b) by adding a colon immediately after the words "upon the finding by the Board as a fact that" and further by deleting the words "the street improvement project does not exceed 2,000 linear feet, and".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1518

CHAPTER 1053

AN ACT TO EXTEND THE SUNSET PROVISIONS IN G.S. 147-16.2 TO ALL BOARDS AND COUNCILS CREATED BY EXECUTIVE OFFICIALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-16.2 is rewritten to read:

"§147-16.2. Duration of boards and councils created by executive officials extensions.—(a) Any executive order of the Governor that creates a board, committee, council, or commission expires two years after the effective date of the executive order, unless the Governor specifies an expiration date in the order; provided, however, that any such executive order that was in effect on July 1, 1983, expires on June 30, 1985, unless the Governor specified a different expiration date in any such order. The Governor may extend any such executive order before it expires for additional periods of up to two years by doing so in writing; copies of the writing shall be filed by the Governor with the Secretary of State and the State Legislative Library.

(b) Any other State board, committee, council, or commission created by the Governor or by any other State elective officer specified in Article III of the North Carolina Constitution expires two years after it was created; provided, however, that any such board, committee, council, or commission existing as of July 1, 1984, expires on June 30, 1985, unless it was due to expire on an earlier date. The elective officer creating any such board, committee, council, or commission may extend the board, committee, council, or commission before it expires for additional periods of up to two years by doing so in writing; copies of the writing shall be filed by the elective officer with the Secretary of State and the State Legislative Library.

(c) Any State board, committee, council, or commission created by any official in the executive branch of State government, other than by those officials specified in subsections (a) and (b), expires two years after it was created; provided, however, that any board, committee, council, or commission existing as of July 1, 1984, expires on June 30, 1985, unless it was due to expire on an earlier date. The Governor may extend any such board, committee, council, or commission before it expires for additional periods of up to two years by

executive order; copies of the executive order shall be filed by the Governor with the Secretary of State and the State Legislative Library.

The words, 'official in the executive branch of State government,' as used in this section, do not include officials of counties, cities, towns, villages, other municipal corporations or political subdivisions of the State or any agencies of such subdivision, or local boards of education, other local public districts, units or bodies of any kind, or community colleges as defined in G.S. 115D-2(2), or private corporations created by act of the General Assembly.

(d) Any elective officer specified in subsection (b) and any other official in the executive branch of State government who creates a board, committee, council, or commission shall do so in writing and shall file copies of the writing with the Secretary of State and the State Legislative Library."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1557 CHAPTER 1054

AN ACT TO AMEND THE CHARLOTTE FIREMEN'S SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 6(a) of Chapter 926 of the 1947 Session Laws, as amended by Chapter 860, 1971 Session Laws, is amended by rewriting subdivision (4) to read:

"(4) Early Retirement. Members shall become eligible upon completion of twenty-five (25) years of active service.

(a) Early Retirement Income. A member retired under the early retirement provision shall receive monthly income computed on the same basis as for service retirement, but reduced as follows: (i) by three per centum (3%) for each year that early retirement precedes thirty (30) years of completed service; and (ii) by three per centum (3%) for each year of age less than age fifty (50)."

Sec. 2. None of the provisions of this act shall create an additional liability for the Charlotte Firemen's Retirement System unless current assets are available to the Board of Trustees to provide for the additional liability.

Sec. 3. All laws and clauses of laws in conflict with this act are repealed.

Sec. 4. This act applies to the City of Charlotte only.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1572

CHAPTER 1055

AN ACT AUTHORIZING CHEROKEE COUNTY TO LEVY A ROOM
OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The General Assembly of North Carolina enacts:

Section 1. Levy of Tax.

(a) The Cherokee County Board of Commissioners may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy and tourism development tax.

(b) Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the Cherokee County Board of Commissioners in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.

Sec. 2. Occupancy Tax.

(a) The county room occupancy and tourism development tax that may be levied under this act shall be a percentage of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar place within the county now subject to the three percent (3%) sales tax imposed by the State under G.S. 105-164.4(3). During the first year in which a tax levied under this act is in effect, the tax shall be three percent (3%) of the gross receipts derived from the rental of taxable accommodations in the county. Thereafter, the rate of tax shall continue to be three percent (3%) unless the Cherokee County Board of Commissioners, by resolution, adopts a rate of less than three percent (3%). A change in the occupancy tax rate adopted by the board of commissioners becomes effective the first day of the second succeeding calendar month following the date of adoption of the resolution. The Cherokee County Board of Commissioners may not change the occupancy tax rate more than once a year.

(b) The occupancy tax is in addition to any local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, benevolent, or religious organizations.

Sec. 3. Administration of Tax.

(a) Any tax levied under this act is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

(b) Any person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission.

(c) In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to the penalty prescribed in subsection (b), with an additional tax of five percent (5%) for each additional month or fraction thereof until the occupancy tax is paid.

(d) Any person who willfully attempts in any manner to evade the occupancy tax imposed by this act or to make a return and who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.

Sec. 4. Collection of Tax. Every operator of a business subject to the tax levied pursuant to this act shall collect the tax on and after the effective date of the levy of the tax.

This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Cherokee County. The room occupancy tax levied under this act shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

Sec. 5. Disposition of Taxes Collected. Cherokee County shall remit the net proceeds of all revenues received from the room occupancy tax to the County Tourism Development Authority appointed pursuant to this act. "Net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax. The Authority may expend these funds only to further the development of travel, tourism, and conventions in the county through advertising and promotion.

Sec. 6. Appointment, Duties of Tourism Development Authority.

(a) When the Cherokee County Board of Commissioners adopts a resolution levying a room occupancy tax, it shall also adopt a resolution creating a County Tourism Development Authority composed of the director of the Cherokee County Chamber of Commerce and the following four members appointed by the Cherokee County Board of Commissioners:

- (1) an owner of a hotel, motel, or other accommodations subject to the tax levied by this act;
- (2) a member of the board of county commissioners;
- (3) a town commissioner or the mayor of the Town of Murphy; and
- (4) a town alderman or the mayor of the Town of Andrews.

The director of the Cherokee County Chamber of Commerce shall serve as an ex officio member of the Authority. The members appointed by the board of county commissioners shall serve three-year terms, except the initial appointees. Of the initial appointees, the board of commissioners shall designate one to serve a one-year term, two a two-year term, and one a three-year term. Vacancies created by an appointed member shall be filled by the board of commissioners. Members appointed to fill vacancies shall serve the remainder of the unexpired term for which they are appointed to fill.

(b) The members of the Tourism Development Authority shall elect from its membership a chairman. The Authority shall meet at the call of the chairman and shall adopt rules of procedure to govern its meetings. The finance officer of Cherokee County shall serve ex officio as accountant for the Authority.

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(c) The Tourism Development Authority shall report quarterly and at the close of the fiscal year to the board of county commissioners on its receipts and disbursements for the preceding quarter and for the year in such detail as the board may require.

Sec. 7. Repeal of Levy.

(a) The board of county commissioners may by resolution repeal the levy of the room occupancy tax in Cherokee County, but no repeal of taxes levied under this act is effective until the end of the fiscal year in which the repeal resolution was adopted.

(b) No liability for any tax levied under this act that attached prior to the date on which a levy is repealed is discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed may be denied as a result of the repeal.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1587 CHAPTER 1056

AN ACT TO PROVIDE FOR THE MAINTENANCE OF HEALTH EDUCATION FACILITIES.

Whereas, the General Assembly of North Carolina finds that it appropriated funds to the Board of Governors of The University of North Carolina and that the Board of Governors allocated these capital funds to The University of North Carolina at Chapel Hill to provide capital grants to the Area Health Education Center Program (AHEC) in order to assist in the construction of educational facilities necessary to carry out the AHEC Program; and

Whereas, the General Assembly finds that the existence of the AHEC facilities and activities remains in the public interest; and

Whereas, the General Assembly further finds it consistent with the legislative intent of its original appropriation to assure the public that the AHEC facilities and activities are maintained on an equivalent basis regardless of hospital ownership or management; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 131E is amended by adding a new section to read:

“§ 131E-8.1. Maintenance of Health Education Facilities.—(a) This section shall apply to all sales and leases of a hospital facility by a municipality or hospital authority where any portion of the facility was constructed with a capital grant from the Area Health Education Centers Program (AHEC).

(b) The municipality or hospital authority shall give specific notice of intent to sell or lease and of any public hearing to the Director of the local AHEC program and the Director of the AHEC Program at The University of North Carolina School of Medicine at Chapel Hill.

(c) The municipality or hospital authority may provide continued access to the identical or equivalent facilities suitable for continuation of AHEC activities, including all services being provided under the existing operating contract. In the case of a freestanding portion of the hospital facility, the municipality or hospital authority may convey all ownership rights in the facility to the local AHEC program without monetary consideration.

(d) No portion of this section shall be construed to alter rights or obligations of the operating contracts between the hospital facility and AHEC.”

Sec. 2. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1597 CHAPTER 1057

AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO LEVY SPECIAL ASSESSMENTS TO MEET A PORTION OF THE COST OF CONSTRUCTING SEWAGE COLLECTION AND TREATMENT FACILITIES PRIOR TO CONSTRUCTION COMPLETION OF SUCH SYSTEM.

Whereas, the Town of Ocean Isle Beach is without sewage collection and treatment facilities and the health and safety of the Town requires their construction; and

Whereas, preliminary plans for installing sewage collection and treatment facilities at a cost of more than five million dollars (\$5,000,000) have been developed; and

Whereas, voters of the Town approved the issuance of six hundred thousand dollars (\$600,000) in general obligation bonds on June 14, 1980, and the issuance of two million eight hundred thousand dollars (\$2,800,000) in general obligation bonds to meet part of the cost of constructing sewage collection and treatment facilities in a referendum held on May 8, 1984, by a vote of 117 to 25; and

Whereas, there is general agreement by the Town's citizens and property owners that part of the cost of constructing the sewage collection and treatment facilities should be met from special assessments against the property to be served; and

Whereas, undertaking the construction of the sewage collection and treatment facilities in a proper and timely manner will require that property owners meet their special assessment obligations prior to the letting of the contracts for such construction; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Board of Commissioners of the Town of Ocean Isle Beach may levy special assessments to meet part of the cost of sewage collection and treatment facilities. The assessment roll shall become effective on a date set by the Board that is at least 30 days following the formal advertising for bids covering at least four million dollars (\$4,000,000) of the proposed work. The Board shall levy the special assessments in accord with a schedule that it develops and that is based on front footage of property on a street, the type of developed property being served, or a combination of these factors. The maximum special assessment that the Board may levy against any property may not exceed the greater of the following:

- (1) six dollars (\$6.00) per front foot,
- (2) three hundred dollars (\$300.00) per single family residence, condominium, or apartment,
- (3) one hundred dollars (\$100.00) per room (including efficiencies) in a motel or hotel,
- (4) five hundred dollars (\$500.00) for a duplex residence,

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(5) one dollar (\$1.00) per square foot of enclosed space of commercial property not covered above.

Sec. 2. The Board of Commissioners of the Town of Ocean Isle Beach may give owners of assessed property the option of paying the assessment either in cash or in installments, provided however, that the period over which such installments are paid does not exceed one year from the date the assessment roll is confirmed. Any portion of an assessment that is not paid within 30 days after publication of the notice that the assessment roll has been confirmed shall bear interest until paid at a rate to be fixed in the assessment resolution but not more than eight percent (8%) per annum.

Sec. 3. In the event the execution of a contract (or contracts) covering at least four million dollars (\$4,000,000) of the proposed work is not forthcoming within 120 days from the date the assessment roll is confirmed, all assessments for the purpose of meeting a portion of the cost of constructing sewage collection and treatment facilities paid to the Town of Ocean Isle Beach shall be returned to each payee within 30 days along with interest at a rate not less than six percent (6%) per annum for the period each assessment payment is held by the Town; however, interest shall be paid on no assessment funds for a period in excess of 90 days.

Sec. 4. All assessment funds received by the Town may be deposited in a special interest-bearing account; any interest earned and retained by the Town shall be used to offset expenses incurred with regard to the proposed sewage collection and treatment facilities.

Sec. 5. In levying the special assessments, the Board shall follow, insofar as practicable, the procedures set forth in Article 10 of Chapter 160A of the General Statutes of North Carolina.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1630 CHAPTER 1058

AN ACT TO AMEND THE CONFLICT OF INTEREST LAW RELATING TO HOSPITALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-21 is amended by inserting a new paragraph between the first and second to read:

"The fact that a person owns ten percent (10%) or less stock of a corporation or has a ten percent (10%) or less ownership in any other business entity or is an employee of that corporation or other business entity does not make the person have an 'interest, direct or indirect' as this phrase is used in subsections (1) and (2) of the section; provided that, in order for the exception to apply, the contract, undertaking or other transaction shall be authorized by the commissioners by specific resolution on which no commissioner or employee having an interest, direct or indirect, shall vote."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1657 CHAPTER 1059

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO STUDY THE ROLE OF ALCOHOL AND DRUGS IN RECREATIONAL BOATING AND THE NEED FOR IMPLEMENTING RECOMMENDATIONS OF THE NATIONAL TRANSPORTATION SAFETY BOARD.

Whereas, the National Transportation Safety Board has recommended that the General Assembly amend the Boating Safety Act (Article 1 of General Statutes Chapter 75A) to (1) clearly define the level of legal intoxication for recreational boat operators in order to strengthen the State's enforcement program for reducing accidents, fatalities, injuries, and property damage caused by the use of alcohol and/or drugs; (2) allow a chemical test if a recreational boat operator is suspected of being intoxicated; and (3) allow toxicological tests in the event of a recreational boating accident fatality; and

Whereas, the Boating Safety Act prohibits operating a motorboat or vessel while intoxicated; that the term "intoxicated" is synonymous with the term "drunk"; that this term is by definition a higher state of inebriation than "under the influence" of alcohol and/or drugs; and that the Act does not provide for chemical tests to determine the alcohol and/or drugs content in persons suspected of violating the Act; and

Whereas, a study should be made of (1) this State's and other states' laws on alcohol and/or drugs and boating and (2) the 1983 recommendations of the National Transportation Safety Board, to determine whether or not changes to the Boating Safety Act should be made; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Wildlife Resources Commission is directed to study the matter of alcohol and drugs and recreational boating safety. The Commission may include in its study analyses and evaluations of North Carolina's and other states' statutes and case law, the National Transportation Safety Board's studies and recommendations that are related to this subject, and North Carolina statistics on alcohol and drug-related boating accidents.

Sec. 2. The Commission shall report its findings and recommendations, together with any recommended legislation, to the 1985 General Assembly.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1682 CHAPTER 1060

AN ACT CLARIFYING THE SCOPE OF THE PROPERTY TAX EXEMPTION FOR SPECIAL NUCLEAR MATERIALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-275(6) is amended by deleting the first sentence of that subdivision and substituting the following sentences to read:

"Special nuclear materials held for or in the process of manufacture, processing, or delivery by the manufacturer or processor thereof, regardless whether the manufacturer or processor owns the special nuclear materials. The terms 'manufacture' and 'processing' do not include the use of special nuclear materials as fuel."

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Sec. 2. This act shall become effective January 1, 1985.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1771

CHAPTER 1061

AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS BY CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is to authorize construction, by certain constituent institutions of The University of North Carolina, of the capital improvements projects listed herein for each such institution, and to authorize the financing of these capital improvements projects with funds available to the institutions from gifts, grants, receipts, self-liquidating indebtedness, or other funds, or any combination of these funds, but not including funds appropriated from the General Fund of the State.

Prior to the execution of design contracts for the projects authorized herein, the Director of the Budget, after consultation with the Advisory Budget Commission, shall approve the method of funding the projects.

Sec. 2. The projects hereby authorized to be constructed and financed as provided in Section 1 of this act are as follows:

- | | |
|--|-------------|
| 1. North Carolina State University at Raleigh | |
| a. Administrative Services Center | \$1,500,000 |
| b. Renovations to Erdahl-Cloyd Building | 807,200 |
| 2. The University of North Carolina at Chapel Hill | |
| a. Renovate Daniels Building | 985,000 |
| b. Student Athletic Development Center | 1,467,000 |
| Grand Total Self-Liquidating Authorizations | \$4,759,200 |

Sec. 3. The Director of the Budget, after consultation with the Advisory Budget Commission, may, when in his opinion it is in the best interest of the State to do so, and upon the request of The University of North Carolina Board of Governors, authorize an increase or decrease in the scope or a change in the method of funding of any project authorized by this act.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1772

CHAPTER 1062

AN ACT RELATING TO BOND ISSUANCE AND ASSESSMENTS.

The General Assembly of North Carolina enacts:

—REVENUE BONDS FOR BATTLESHIP

Sec. 1. Pursuant to G.S. 159-81(3)l., the General Assembly authorizes the issuance of State revenue bonds under The State and Local Government Revenue Bond Act to improve and enlarge the permanent memorial and exhibit of the Battleship U.S.S. North Carolina at Wilmington, not to exceed eight hundred thousand dollars (\$800,000) in aggregate principal amount.

Bonds issued for this purpose may be secured by admission fees, charges, grants, gifts, and other permitted revenues under the Act. As with all bonds issued under the State and Local Government Revenue Bond Act, bonds issued for this purpose may not pledge the credit on the taxing power of the State for the payment of the principal or interest of these bonds. Adoption of a bond order by the Council of State obligates the U.S.S. Battleship Commission of the Department of Cultural Resources to the provisions of the bond order.

—INTEREST ON HFA RESERVE

Sec. 2. G.S. 122A-8 is amended by deleting the language “seven hundred fifty million dollars (\$750,000,000)” wherever it appears and substituting “eight hundred fifty million dollars (\$850,000,000)”.

—ADMINISTRATION BUILDING PARKING LOT

Sec. 3. The Council of State is hereby authorized to adopt a bond order providing for the issuance, pursuant to the North Carolina Parking Facilities and Project Revenue Bond Act, Chapter 858, Session Laws of 1975 as amended, of not in excess of ten million dollars (\$10,000,000) aggregate principal amount of revenue bonds of the State for the purpose of constructing a parking deck behind the Administration Building. The Capital Building Authority is authorized to award the design and construction contract for such facility on a design/build basis, notwithstanding G.S. Chapter 143, Article 8 and Section 12 of Chapter 858, Session Laws of 1975.

—AMOUNT OF MILK COMMISSION ASSESSMENTS

Sec. 4. G.S. 106-266.11 is amended by deleting the second sentence and substituting the following: “The assessment so levied shall be fixed at a rate per hundredweight on the volume of all milk handled. The rate set shall not exceed one-half of one percent (1/2%) of the Statewide blend price paid to all North Carolina producers during the previous calendar year for three and one-half percent (3.5%) milk as computed by the North Carolina Milk Commission.”

—RESERVE LICENSE PLATES

Sec. 5. (a) Chapter 20 of the General Statutes of North Carolina is amended by adding a new section to read:

“§ 20-80.1. Military Reserve license plates.—(a) The Commissioner shall cause to be made a sufficient number of distinctive motor vehicle license plates, in the form hereafter provided, for issuance to eligible members of the reserve components of the Armed Forces of the United States, upon proper application and under such regulations as he deems appropriate. Upon satisfactory proof of eligibility, the commissioner shall collect fees in accordance with G.S. 20-81.3(b) and shall disburse fees in accordance with G.S. 20-81.3(c).

(b) Military license plates shall bear the words ‘Army Reserve’, ‘Navy Reserve’, ‘Air Force Reserve’, ‘Marine Corps Reserve’, or ‘Coast Guard Reserve’ as appropriate. The center of the license plate shall bear the insignia of the officer corps of the appropriate service for reserve officers and shall bear the insignia of the appropriate service for reserve enlisted personnel. The license plates shall be numbered sequentially for each service with the numbers 1 through 5000 reserved for officers, to be issued based on the date of receipt of applications by the Commission without regard to rank.

(c) When the holder of a reserve license plate becomes ineligible for it due to change in status, he shall exchange the reserve plate for standard plate within 30 days.”

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Sec. 6. The Commissioner of Motor Vehicles is requested to consult with members of the General Assembly who participate in a reserve component of the branches of the Armed Forces of the United States to the end that the design of license plates is appropriate for each service. Administrative regulations implementing the provisions of Section 5 of this act shall be filed before October 1, 1984.

—SPECIAL ID CARDS

Sec. 7. Effective January 1, 1985, G.S. 20-37.7(a),(b), and (d) are rewritten to read:

“(a) The Division of Motor Vehicles shall upon satisfactory proof of identification issue a special identification card to any person 11 years or older who is a resident of the State of North Carolina.

(b) Every application for a special identification card shall be made on the approved form furnished by the Division and shall be accompanied by a birth certificate and other proof of identification which shall be returned when the special identification card is issued.

(d) A special identification card issued under this section shall expire on the birth date of the holder in the fourth year of issuance. The fee for the issuance or reissuance of a special identification card shall be five dollars (\$5.00) which shall be placed in the Highway Fund; provided that a special identification card may be issued without fee to a resident of North Carolina who is legally blind or has attained the age of 70 years; provided further that the fees collected for the issuance of special identification cards to persons under the age of 16 shall be placed in a reserve fund to cover the cost of the operation of the program required by this Article.”

Sec. 8. Except as provided otherwise in this act, this act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1777 CHAPTER 1063

AN ACT TO INCREASE VARIOUS MEDICAL LICENSE AND REGISTRATION FEES COLLECTED BY THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 90-15 is amended by deleting “two hundred dollars (\$200.00)” and substituting “four hundred dollars (\$400.00)”.

Sec. 2. G.S. 90-15.1 is amended by deleting “twenty-five dollars (\$25.00)” and substituting “one hundred dollars (\$100.00)” and further by deleting “ten dollars (\$10.00)” and substituting “twenty dollars (\$20.00)”.

Sec. 3. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

S. B. 783

CHAPTER 1064

AN ACT TO CLARIFY THE DEFINITION OF AN AMBULATORY SURGICAL FACILITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-146 and G.S. 131E-176 are amended by deleting subdivision (1) and by substituting the following:

“(1) ‘Ambulatory surgical facility’ means a facility designed for the provision of an ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a physician or dentist’s office, provided the facility is licensed under G.S. Chapter 131E, Article 6, Part D, but the performance of incidental, limited ambulatory surgical procedures which do not constitute an ambulatory surgical program as defined in subdivision (1a) and which are performed in a physician or dentist’s office does not make that office an ambulatory surgical facility.

(1a) ‘Ambulatory surgical program’ means a formal program for providing on a same-day basis those surgical procedures which require local, regional or general anesthesia and a period of post-operative observation to patients whose admission for more than 24 hours is determined, prior to surgery, to be medically unnecessary.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1482

CHAPTER 1065

AN ACT TO CHANGE THE METHOD OF DETERMINING THE SALES PRICE OF A MOTOR VEHICLE IN A CASUAL SALE AND ELIMINATE THE REQUIREMENT THAT THE SALES PRICE OF A MOTOR VEHICLE IN A CASUAL SALE BE BASED ON THE BOOK VALUE OF THE VEHICLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.4(1) is amended by deleting the fourth, fifth, and sixth paragraphs of that subdivision and substituting the following to read:

“The tax levied under this section applies to all retail sales of motor vehicles regardless whether the seller is engaged in business as a retailer of motor vehicles or whether a tax on the sale of the vehicle has previously been paid under this Article. A purchaser of a motor vehicle from a retailer shall pay the tax imposed under this Article to the retailer, who is liable for collecting and remitting the tax to the Secretary. A purchaser of a motor vehicle is liable for payment of the tax imposed by this Article if the seller is not a retailer. The purchaser shall pay the tax to the Commissioner of Motor Vehicles when applying for a certificate of title for the vehicle.

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When applying for a certificate of title, a purchaser of a motor vehicle from a seller who is not a retailer shall certify in writing the sales price of the purchased motor vehicle. A purchaser who knowingly makes a false certification of the sales price is guilty of a misdemeanor.

The Commissioner of Motor Vehicles may not issue a certificate of title for a motor vehicle sold by a seller who is not a retailer unless the tax imposed by this section is paid when the purchaser of the vehicle applies for a certificate of title. The Commissioner shall remit taxes collected by him under this subsection to the Secretary."

Sec. 2. The third paragraph of G.S. 105-164.4(1) is amended by inserting between the reference "G.S. 105-164.3(16)" and the comma following that reference the phrase "and regardless whether the seller is a retailer of motor vehicles".

Sec. 3. G.S. 105-164.6(3a) is amended as follows:

(1) by deleting the words "or purchase" and the phrase "as determined in accordance with G.S. 105-164.4(1)," in the first sentence of that subdivision; and

(2) by rewriting the last sentence of the second paragraph of that subdivision to read:

"An owner of a motor vehicle acquired from a seller who is not a retailer shall certify the sales price of the vehicle as provided in G.S. 105-164.4(1)."

Sec. 4. Chapter 713 of the 1983 Session Laws is amended by adding a new section to read:

"Sec. 110. Sections 89 and 90 of this act do not apply to a sale of a motor vehicle delivered after the effective date of the tax increase imposed by those sections pursuant to a written contract made between a retail dealer of motor vehicles and the buyer of the vehicle before the effective date of the tax increase if the contract price of the vehicle included the projected sales tax due on the sale of the vehicle and computed the amount of sales due at the then maximum rate of one hundred twenty dollars (\$120.00). A retail dealer who was a party to a contract described in this section and who reduced his profit on the sale to absorb the increase in the sales tax may apply to the Secretary of Revenue for a refund of the difference between the sales tax paid on the sale of the vehicle and one hundred twenty dollars (\$120.00). A buyer of a vehicle who was a party to a contract described in this section and who paid more than the contract price of the vehicle because he paid the additional sales tax due may apply to the retail dealer from whom he purchased the vehicle for a refund of the difference between the sales tax the buyer paid and one hundred twenty dollars (\$120.00). A dealer who receives a refund request from a buyer shall apply on behalf of the buyer to the Secretary of Revenue for the requested refund. A refund request made pursuant to this section shall be made within six months following June 20, 1984. The Secretary of Revenue shall grant requests for refunds made under this section upon proof satisfactory to the Secretary that the applicant is eligible for the refund."

Sec. 5. Section 4 of this act is effective upon ratification. The remainder of this act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1709 CHAPTER 1066

AN ACT TO PROTECT THE PUBLIC INTEREST IN THE SALE OR LEASE OF PUBLIC HOSPITAL FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 131E of the General Statutes is amended by adding a new section at the end to read:

“§ 131E-13. Lease or sale of hospital facilities to for profit corporations by municipalities and hospital authorities.—(a) A municipality or hospital authority as defined in G.S. 131E-16(14), may lease, sell, or convey any hospital facility, or part, to a corporation, foreign or domestic, authorized to do business in North Carolina, subject to these conditions, which shall be included in the lease agreement of sale, or agreement of conveyance:

- (1) The corporation shall continue to provide the same or similar clinical hospital services to its patients in medical-surgery, obstetrics, pediatrics, outpatient and emergency treatment, including emergency services for the indigent, that the hospital facility provided prior to the lease, sale, or conveyance. These services may be terminated only as prescribed by Certificate of Need Law prescribed in Article 9 of Chapter 131E of the General Statutes, or, if Certificate of Need Law is inapplicable, by review procedure designed to guarantee public participation pursuant to rules adopted by the Secretary of the Department of Human Resources.
- (2) The corporation shall ensure that indigent care is available to the population of the municipality or area served by the hospital authority at levels related to need, as previously demonstrated and determined mutually by the municipality or hospital authority and the corporation.
- (3) The corporation shall not enact financial admission policies that have the effect of denying essential medical services or treatment solely because of a patient's immediate inability to pay for the services or treatment.
- (4) The corporation shall ensure that admission to and services of the facility are available to beneficiaries of governmental reimbursement programs (Medicaid/Medicare) without discrimination or preference because they are beneficiaries of those programs.
- (5) The corporation shall prepare an annual report that shows compliance with the requirements of the lease, sale, or conveyance.

The corporation shall further agree that if it fails to substantially comply with these conditions, or if it fails to operate the facility as a community general hospital open to the general public and free of discrimination based on race, creed, color, sex, or national origin unless relieved of this responsibility by operation of law, or if the corporation dissolves without a successor corporation to carry out the terms and conditions of the lease, agreement of sale, or agreement of conveyance, all ownership or other rights in the hospital facility, including the building, land and equipment associated with the hospital, shall revert to the municipality or hospital authority or successor entity originally conveying the hospital; provided that any building, land, or equipment associated with the hospital facility that the corporation has constructed or acquired since the sale may revert only upon payment to the corporation of a sum equal to the cost less depreciation of the building, land, or equipment.

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This section shall not apply to leases, sales, or conveyances of nonmedical services or commercial activities, including the gift shop, cafeteria, the flower shop, or to surplus hospital property that is not required in the delivery of necessary hospital services at the time of the lease, sale, or conveyance.

Neither G.S. 153A-176 nor Article 12 of Chapter 160A of the General Statutes shall apply to leases, sales or conveyances under this section.

(b) In the case of a sale or conveyance, if either general obligation bonds or revenue bonds issued for the benefit of the hospital to be conveyed are outstanding at the time of sale or conveyance, then the corporation shall agree to the following:

By the effective date of sale or conveyance, the corporation shall place into an escrow fund money or direct obligations of, or obligations the principal of and interest on which, are unconditionally guaranteed by the United States of America (as approved by the Local Government Commission), the principal of and interest on which, when due and payable, will provide sufficient money to pay the principal of and the interest and redemption premium, if any, on all bonds then outstanding to the maturity date or dates of such bonds or to the date or dates specified for the redemption thereof. The corporation shall furnish to the Local Government Commission such evidence as the Commission may require that the securities purchased will satisfy the requirements of this section. A hospital which has placed funds in escrow to retire outstanding general obligation or revenue bonds, as provided in this section, shall not be considered a public hospital, and G.S. 159-39(a)(3) shall be inapplicable to such hospitals.

No bonds, notes or other evidences of indebtedness shall be issued by a municipality or hospital authority to finance equipment for or the acquisition, extension, construction, reconstruction, improvement, enlargement, or betterment of any hospital facility if the facility has been sold or conveyed to a corporation, foreign or domestic, authorized to do business in North Carolina.

(c) In the case of a lease, the municipality or hospital authority shall determine the length of the lease. No lease executed under this section shall be deemed to convey a freehold interest. Any sublease or assignment of the lease shall be subject to the conditions prescribed by this section. If the term of the lease is more than 10 years, and either general obligation bonds or revenue bonds issued for the benefit of the hospital to be leased are outstanding at the time of the lease, then the corporation shall agree to the following:

By the effective date of the lease, the corporation shall place into an escrow fund money or direct obligations of, or obligations the principal of and interest on which, are unconditionally guaranteed by the United States of America (as approved by the Local Government Commission), the principal of and interest on which, when due and payable, will provide sufficient money to pay the principal of and the interest and redemption premium, if any, on all bonds then outstanding to the maturity date or dates of such bonds or to the date or dates specified for the redemption thereof. The corporation shall furnish to the Local Government Commission such evidence as the Commission may require that the securities purchased will satisfy the requirements of this section.

No bonds, notes or other evidences of indebtedness shall be issued by a municipality or hospital authority to finance equipment for or the acquisition, extension, construction, reconstruction, improvement, enlargement, or

betterment of any hospital facility when the facility is leased to a corporation, foreign or domestic, authorized to do business in North Carolina.

(d) The municipality or hospital authority shall comply with the following procedures before leasing, selling, or conveying a hospital facility, or part thereof:

- (1) The municipality or hospital authority shall first adopt a resolution declaring its intent to sell, lease, or convey the hospital facility at a regular meeting on 10 days' public notice. Notice shall be given by publication in one or more papers of general circulation in the affected area describing the intent to lease, sell, or convey the hospital facility involved, known potential buyers or lessees, a solicitation of additional interested buyers or lessees and intent to negotiate the terms of the lease or sale. Specific notice, given by certified mail, shall be given to the local office of each State-supported program that has made a capital expenditure in the hospital facility, to the Department of Human Resources, and to the Office of State Budget and Management.
- (2) At the meeting to adopt a resolution of intent, the municipality or hospital authority shall request proposals for lease or purchase by direct solicitation of at least five prospective lessees or buyers. The solicitation shall include a copy of G.S. 131E-13.
- (3) The municipality or hospital authority shall conduct a public hearing on the resolution of intent not less than 15 days after its adoption. Notice of the public hearing shall be given by publication at least 15 days before the hearing. All interested persons shall be heard at the public hearing.
- (4) Before considering any proposal to lease or purchase, the municipality or hospital authority shall require information on charges, services, and indigent care at similar facilities owned or operated by the proposed lessee or buyer.
- (5) Not less than 45 days after adopting a resolution of intent and not less than 30 days after conducting a public hearing on the resolution of intent, the municipality or hospital authority shall conduct a public hearing on proposals for lease or purchase that have been made. Notice of the public hearing shall be given by publication at least 10 days before the hearing. The notice shall state that copies of proposals for lease or purchase are available to the public.
- (6) The municipality or hospital authority shall make copies of the proposals to lease or purchase available to the public at least 10 days before the public hearing on the proposals.
- (7) Not less than 60 days after adopting a resolution of intent, the municipality or hospital authority at a regular meeting shall approve any lease, sale, or conveyance by a resolution. The municipality or hospital authority shall adopt this resolution only upon a finding that the lease, sale, or conveyance is in the public interest after considering whether the proposed lease, sale, or conveyance will meet the health-related needs of medically underserved groups, such as low income persons, racial and ethnic minorities, and handicapped persons. Notice of the regular meeting shall be given at least 10 days before the meeting and shall state that copies of the lease, sale, or conveyance proposed for approval are available.

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(8) At least 10 days before the regular meeting at which any lease, sale, or conveyance is approved, the municipality or hospital authority shall make copies of the proposed contract available to the public.”

Sec. 2. Article 2 of Chapter 131E of the General Statutes is amended by adding a new section at the end to read:

“§ 131E-14. Lease or sale of hospital facilities to certain non-profit corporations.—If a municipality or hospital authority leases, sells, or conveys a hospital facility, or part, to a non-profit corporation of which a majority of voting members of its governing body is not appointed or controlled by the municipality or hospital authority, the procedural requirements set forth in G.S. 131E-13(d) shall apply.”

Sec. 3. This act shall become effective July 1, 1984, and only apply to leases, sales, or conveyances made on or after this date.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

S. B. 831

CHAPTER 1067

AN ACT TO ADD VARIOUS ACTS WHICH MAY CONSTITUTE GROUNDS FOR DISCIPLINE OF CHIROPRACTORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-154(b) is amended by changing the period at the end of subdivision (8) to a semicolon and adding new subdivisions to read:

“(9) Committing a fraudulent act or acts or engaging in fraudulent conduct in connection with the delivery of or charging for chiropractic services;

(10) Offering to accept or accepting payment for services rendered by assignment from any third party payor after offering to accept or accepting whatever the third party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need of payment by an insured of any required deductions applicable in the insured's policy;

(11) Submitting to any third party payor a claim for a service or treatment without also providing upon request a copy of the claim to the insured;

(12) Reducing or offering to reduce, rebating or offering to rebate, discounting or offering to discount to an insured any payment, by the insured's third party payor to the licensee, for services or treatments rendered under the insured's policy;

(13) Advertising any reduced or discounted fees for services or treatments or advertising any free services or treatments without prominently stating in the advertisement the licensee's usual fee for the service or treatment which is the subject of the discount, rebate, or free offering;

(14) Submitting to any third party payor a claim for a service or treatment at a greater or an inflated fee or charge than the usual fee the licensee charges for that service or treatment when the service or treatment is rendered without third party reimbursement;

(15) Advertising a fee or charge for a service or treatment which is different from the fee or charge the licensee submits to third party payors for that service or treatment.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

S. B. 862 CHAPTER 1068

AN ACT TO PERMIT NON-INDIANS TO BECOME TENANTS OF HOUSING PROVIDED BY THE STATE INDIAN HOUSING AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 157-70 is amended by rewriting it to read:

“Rentals and tenant selection in connection with projects of the Authority shall be in accordance with G.S. 157-29.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

S. B. 880 CHAPTER 1069

AN ACT TO AMEND G.S. 20-309 PERTAINING TO THE REREGISTRATION OF A VEHICLE AFTER REVOCATION OF THE LICENSE PLATE FOR FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY.

The General Assembly of North Carolina enacts:

Section 1. Section 146 of 1983 Session Laws Chapter 761 is amended by rewriting the third paragraph to read:

“In no case shall any vehicle, the registration of which has been revoked for failure to have financial responsibility, be reregistered in the name of the registered owner, spouse, or any child of the spouse, or any child of such owner within less than 30 days after the date of receipt of the registration plate by the Division of Motor Vehicles, except that a spouse living separate and apart from the registered owner may register such vehicle immediately in such spouse's name. Additionally, as a condition precedent to the reregistration of the vehicle by the registered owner, spouse, or any child of the spouse, or any child of such owner, except a spouse living separate and apart from the registered owner, the payment of a restoration fee of fifty dollars (\$50.00) and the appropriate fee for a new registration plate is required. Any person, firm or corporation failing to give notice of termination shall be subject to a civil penalty of two hundred dollars (\$200.00) to be assessed by the Commissioner of Insurance upon a finding by the Commissioner of Insurance that good cause is not shown for such failure to give notice of termination to the Division.”

Sec. 2. Sections 146 and 147 of 1983 Session Laws Chapter 761 are each amended in the first line by substituting “September 15, 1984” for “August 1, 1984”.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 1491

CHAPTER 1070

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Everett Carnes of McDowell County is appointed to the Board of State Contract Appeals for a term to expire on June 30, 1986.

Sec. 2. James D. Tomberlin of Buncombe County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 1986.

Sec. 3. Mrs. Kathryn Kirkpatrick of Haywood County is appointed to the North Carolina Milk Commission for a term to expire on June 30, 1986. This is the categorical appointment for a public member.

Sec. 4. Bob R. Moyer of Pitt County is appointed to the Private Protective Services Board for a term to expire on June 30, 1987.

Sec. 5. Mrs. Mariam Cannon Hayes of Cabarrus County is appointed to the Board of Trustees of the North Carolina Museum of Art for a term to expire on June 30, 1985, to fill the vacancy caused by the resignation of Margaret Taylor.

Sec. 6. Mack Reid Hudson of Harnett County is appointed to the North Carolina Agriculture Facilities Finance Agency for a term to expire on May 21, 1985.

Sec. 7. Unless otherwise specified, all appointments made by this act are for terms to begin on July 1, 1984.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. B. 9

CHAPTER 1071

AN ACT TO UPDATE THE SALES TAX EXEMPTION FOR MEDICAL EQUIPMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.13(12) is rewritten to read:

"(12) Therapeutic, prosthetic, or artificial devices, such as pulmonary respirators or medical beds, that are designed for individual personal use to correct or alleviate physical illness, disease, or incapacity and that are sold on the written prescription of a physician, dentist, or other professional person licensed to prescribe, and crutches, artificial limbs, artificial eyes, hearing aids, false teeth, eyeglasses ground on prescription of a physician or an optometrist, and orthopedic appliances designed to be worn by the purchaser or user. This subdivision does not apply to a motor vehicle."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

S. B. 21 CHAPTER 1072

AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR AMOUNTS PAID TO MAINTAIN CERTAIN PARENTS AGED 65 OR OVER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-147 is amended by adding a new subsection to read:

“(28) Amounts paid, not to exceed three thousand dollars (\$3,000), for the maintenance and care of the individual’s parent or parents. The deduction allowed by this subdivision shall be reduced by the amount by which the total value of all gifts of property, both tangible and intangible, received during the taxable year from the parent or parents for whom this deduction is claimed exceeds one hundred dollars (\$100.00).

If the individual makes payments for the maintenance and care of one parent, the individual may take this deduction only if:

- a. the individual does not take an exemption for the parent under G.S. 105-149(a)(5);
- b. the parent is not in a public or private institution;
- c. the parent’s disposable income, as defined in G.S. 105-277.1(b)(2), does not exceed nine thousand dollars (\$9,000);
- d. the parent is aged 65 or older; and
- e. the parent is a North Carolina resident.

If the individual makes payments for the maintenance and care of both parents, the individual may take this deduction only if:

- a. the individual does not take an exemption for either parent under G.S. 105-149(a)(5);
- b. neither parent is in a public or private institution;
- c. the parents’ combined disposable income, as defined in G.S. 105-277.1(b)(2), does not exceed nine thousand dollars (\$9,000);
- d. at least one parent is aged 65 or over; and
- e. both parents are North Carolina residents.”

Sec. 2. This act is effective for taxable years beginning on and after January 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

S. B. 436 CHAPTER 1073

AN ACT TO PROVIDE FOR THE LICENSING OF PERSONS PRACTICING OCCUPATIONAL THERAPY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new Article 18D to read:

“ARTICLE 18D.

“Occupational Therapy.

“§ 90-270.65. Title.—This act shall be known as the ‘North Carolina Occupational Therapy Practice Act’.

“§ 90-270.66. Declaration of purpose.—The North Carolina Occupational Therapy Practice Act is enacted to safeguard the public health, safety and welfare, to protect the public from being harmed by unqualified persons, to assure the highest degree of professional care and conduct on the part of occupational therapists and occupational therapist assistants, to provide for the establishment of standards of education, and to insure the availability of occupational therapy services of high quality to persons in need of such services. It is the purpose of this act to provide for the regulation of persons offering occupational therapy services to the public.

“§ 90-270.67. Definitions.—As used in this Article, unless the context clearly requires a different meaning:

- (1) ‘Board’ means the North Carolina Board of Occupational Therapy.
- (2) ‘Occupational therapy’ means a health care profession providing evaluation, treatment and consultation to help individuals achieve a maximum level of independence by developing skills and abilities interfered with by disease, emotional disorder, physical injury, the aging process, or impaired development. Occupational therapists use purposeful activities and specially designed prosthetic devices to reduce specific impairments and to help individuals achieve independence at home and in the work place.
- (3) ‘Occupational therapist’ means an individual licensed in good standing to practice occupational therapy as defined in this Article.
- (4) ‘Occupational therapist assistant’ means an individual licensed in good standing to assist in the practice of occupational therapy under this Article, who performs activities commensurate with his education and training under the supervision of a licensed occupational therapist.
- (5) ‘Person’ means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this Article.

“§ 90-270.68. Establishment of board, terms of members, meetings, compensation.—The North Carolina Board of Occupational Therapy is created. The board shall have six members. All members shall be appointed by the Governor and shall be residents of this State at the time of and during their appointment. Three members shall be occupational therapists and one shall be an occupational therapist assistant; and one shall be a physician licensed to practice medicine who specializes in orthopedic medicine; each of these members must have practiced, taught or engaged in research in occupational therapy for at least three of the five years immediately preceding his appointment. The remaining board member shall represent the public at large.

On or before October 1, 1984, the Governor shall appoint two occupational therapist members to serve a one-year term, one public member to serve a two-year term, one occupational therapist assistant to serve a three-year term, and one occupational therapist to serve a four-year term and the physician to serve a four-year term. Thereafter the term of office for all members shall be four years and only persons licensed under this Article shall be eligible for appointment to the occupational therapist and occupational therapist assistant positions on the board. No member shall serve more than two complete consecutive terms.

Each year the board shall meet and designate a chairman and a secretary-treasurer from among its members. The board may hold additional meetings

upon call of the chairman or any two board members. A majority of the board membership shall constitute a quorum.

Members of the board shall receive no compensation for their services, but shall be entitled to travel, per diem, and other expenses authorized by G.S. 93B-5.

“§ 90-270.69. Powers and duties of the board.—The board shall have the following powers and duties:

- (1) examine and determine the qualifications and fitness of applicants for licensure to practice occupational therapy in this State;
- (2) conduct investigations, subpoena individuals and records, and do all other things necessary and proper to discipline persons licensed under this Article and to enforce this Article;
- (3) issue and renew, and deny, suspend, revoke or refuse to issue or renew any license under this Article;
- (4) adopt, amend, or repeal any reasonable rules or regulations necessary to carry out the purposes of this Article, including but not limited to rules establishing ethical standards of practice;
- (5) employ professional, clerical, investigative or special personnel necessary to carry out the provisions of this Article, and purchase or rent office space, equipment and supplies;
- (6) adopt a seal by which it shall authenticate its proceedings, official records, and licenses;
- (7) conduct administrative hearings in accordance with Article 3 of Chapter 150A of the General Statutes when a ‘contested case’ as defined in G.S. 150A-2(2) arises under this Article;
- (8) establish reasonable fees for applications for examination; initial, provisional, and renewal licenses; and other services provided by the board;
- (9) submit an annual report to the Governor and General Assembly of all its official actions during the preceding year, together with any recommendations and findings regarding improvement of the profession of occupational therapy;
- (10) publish and make available upon request the licensure standards prescribed under this Article and all rules and regulations established by the board;
- (11) approve educational curricula and field work experience accredited by the American Medical Association and American Occupational Therapy Association for persons seeking licensure under this Article.

“§ 90-270.70. Requirements for licensure.—Any individual who desires to be licensed as an occupational therapist or occupational therapist assistant shall file a written application with the board on forms provided by the board, showing to the satisfaction of the board that the applicant:

- (1) is of good moral character; and
- (2) has passed an examination by the board as provided in this Article.

Applicants for licensure as an occupational therapist must also have successfully completed an accredited occupational therapy educational curriculum and supervised field work experience of at least six months’ duration. Applicants for licensure as an occupational therapist assistant must also have successfully completed an accredited occupational therapy assistant

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educational curriculum and supervised field work experience of at least two months' duration.

"§ 90-270.71. Examination.—(a) Applicants for licensure under this Article shall file an application at least 60 days before the date of an examination, upon a form and in such a manner as the board shall prescribe. The application shall be accompanied by the fee prescribed under G.S. 90-270.77, and no portion of the fee shall be refundable. Any applicant who fails an examination may apply for reexamination upon payment of the fee prescribed under G.S. 90-270.77.

(b) Each applicant for licensure under this Article shall take a written examination on subjects including anatomy; physiology; kinesiology; psychology; sociology; human growth and development; neuroanatomy; neuropsychology; anthropology; occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods; and such other related subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall establish standards for acceptable performance on the examination.

(c) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine. Examinations shall be given at least twice each year within this State.

(d) Applicants may obtain their examination scores and may review their papers in accordance with such rules as the board may establish.

"§ 90-270.72. Exemption from requirements.—(a) The board shall waive the examination, education, and field work requirements of G.S. 90-270.70 and shall grant a license to any applicant who presents evidence satisfactory to the board that he or she has been engaged in the practice of occupational therapy as an occupational therapist or occupational therapist assistant before September 1, 1984. Proof of such actual practice shall be presented to the board as established by regulation. To qualify for exemption under this section, the applicant shall file an application for licensure no later than September 1, 1985.

(b) The board may grant a license without examination to any applicant who presents proof satisfactory to the board of current licensure as an occupational therapist or occupational therapist assistant in another state or the District of Columbia, provided the other jurisdiction's licensure standards are considered by the board to be substantially equivalent to or higher than those prescribed in this Article.

"§ 90-270.73. Issuance of license.—(a) The board shall issue a license to any individual who meets the requirements of this Article upon payment of the license fee prescribed in G.S. 90-270.77.

(b) Any individual licensed as an occupational therapist under this Article may use the words 'occupational therapist' and may use the letters 'O.T.' or 'O.T.R./L.' in connection with his name or place of business.

(c) Any individual licensed as an occupational therapist assistant under this Article may use the words 'occupational therapist assistant' and may use the letter 'O.T.A.' or 'C.O.T.A./L.' in connection with his name or place of business.

"§ 90-270.74. Provisional licenses.—The board may grant a provisional license for a period not exceeding nine months to any individual who has successfully completed the educational and field work experience requirements and has made application to take the examination required under G.S. 90-270.70. A provisional license shall allow the individual to practice as an

occupational therapist or occupational therapist assistant under the supervision of an occupational therapist licensed in this State and shall be valid until revoked by the board. A provisional license shall not be issued to applicant who has failed the examination in this State or another jurisdiction.

“§ 90-270.75. Renewal of license.—(a) Licenses issued under this Article shall be subject to annual renewal upon the payment of a renewal fee specified under G.S. 90-270.77 and compliance with this Article, and shall expire unless renewed in the manner prescribed by the board. The board may provide for the late renewal of a license upon the payment of a late fee in accordance with G.S. 90-270.77, but no such late renewal may be granted more than five years after a license expires.

(b) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee to engage in the licensed activity or in any other conduct or activity in violation of the order or judgment by which the license was suspended until the license is reinstated. If a license revoked on disciplinary grounds is reinstated, the licensee shall pay the renewal fee and any late fee that may be applicable.

“§ 90-270.76. Suspension, revocation and refusal to renew license.—(a) The board may deny or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions on a license if the licensee or applicant for licensure has engaged in any of the following conduct:

- (1) employment of fraud, deceit or misrepresentation in obtaining or attempting to obtain a license, or the renewal thereof;
- (2) conviction of or a plea of guilty or nolo contendere to any crime involving moral turpitude;
- (3) adjudication of insanity or incompetency, until proof of recovery from the condition can be established;
- (4) engaging in any act or practice violative of any of the provisions of this Article or any rule or regulation adopted by the board hereunder, or aiding, abetting or assisting any person in such a violation;
- (5) committing an act or acts of malpractice, gross negligence or incompetence in the practice of occupational therapy;
- (6) practicing as a licensed occupational therapist or occupational therapist assistant without a current license;
- (7) engaging in conduct that could result in harm or injury to the public.

(b) Such denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon a license may be ordered by the board after a hearing held in accordance with G.S. Chapter 150A and rules adopted by the board. An application may be made to the board for reinstatement of a revoked license if the revocation has been in effect for at least one year.

“§ 90-270.77. Fees.—The board shall adopt and publish, in the manner established by its rules and regulations, fees reasonably necessary to cover the cost of services rendered for the following purposes:

- (1) for an initial application, a fee not to exceed ten dollars (\$10.00);
 - (2) for examination, reexamination, or issuance of a license a fee not to exceed one hundred dollars (\$100.00);
 - (3) for the renewal of a license, a fee not to exceed fifty dollars (\$50.00);
 - (4) for the late renewal of a license, a fee not to exceed fifty dollars (\$50.00);
 - (5) for a provisional license, a fee not to exceed thirty-five dollars (\$35.00);
- and

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(6) for copies of board rules and licensure standards, charges not exceeding the actual cost of printing and mailing.

“§ 90-270.78. False representation of license prohibited.—It is unlawful for any person who is not licensed in accordance with this Article or whose license has been suspended, revoked or not renewed by the board to:

- (1) engage in the practice of occupational therapy;
- (2) orally, in writing, in print or by sign, or in any other manner, directly or by implication, represent that he is engaging in occupational therapy; or
- (3) use in connection with his name or place of business the words ‘occupational therapist’ or ‘occupational therapist assistant’; or the letters ‘O.T.’, ‘O.T.R./L.’, ‘O.T.A.’, or ‘C.O.T.A./L.’ or any other words, letters, abbreviations or insignia indicating or implying that the person is an occupational therapist or occupational therapist assistant.

“§ 90-270.79. Violation a misdemeanor.—Any person who violates any provision of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned, or both, in the discretion of the court. Each act of such unlawful practice shall constitute a distinct and separate offense.

“§ 90-270.80. Injunctions.—The board may make application to any appropriate court for an order enjoining violations of this Article, and upon a showing by the board that any person has violated or is about to violate this Article, the court may grant an injunction, restraining order, or take other appropriate action.

“§ 90-270.81. Persons and practices not affected.—Nothing in this Article shall be construed to prevent or restrict:

- (1) any person registered, certified, credentialed, or licensed to engage in another profession or occupation or any person working under the supervision of a person registered, certified, credentialed, or licensed to engage in another profession or occupation in this State from performing work incidental to the practice of that profession or occupation as long as the person does not represent himself as an occupational therapist or occupational therapist assistant;
- (2) any person employed as an occupational therapist or occupational therapist assistant by the government of the United States, if he provides occupational therapy solely under the direction or control of the organization by which he is employed;
- (3) any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study and if the person is designated by a title which clearly indicates his status as a student or trainee;
- (4) any person fulfilling the supervised field work experience required for licensure under this Article if the person is designated by a title which clearly indicates his status as a student or trainee;
- (5) occupational therapists or occupational therapist assistants licensed in other jurisdictions who are teaching or participating in special occupational therapy education projects, demonstrations or courses in this State, provided their evaluation and treatment of patients is minimal.”

Sec. 2. Severability. If any portion of this act shall be declared unconstitutional or otherwise invalid or unenforceable, such unconstitutionality or invalidity shall not affect the enforceability of the remaining portions of this act."

Sec. 3. This act shall become effective September 1, 1984.

In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

S. B. 555 CHAPTER 1074

AN ACT ESTABLISHING REGULATION OF AND THE LICENSING OF THE PRACTICE OF GEOLOGY AND TO ESTABLISH THE QUALIFICATIONS, TRAINING AND EXPERIENCE FOR PERSONS SEEKING TO REPRESENT THEMSELVES TO THE PUBLIC AS GEOLOGISTS; CREATING A STATE BOARD FOR LICENSING OF GEOLOGISTS; DEFINING THE FUNCTIONS AND DUTIES OF THAT BOARD; AND PROVIDING FOR PENALTIES.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes are amended by adding a new Chapter to read as follows:

"CHAPTER 89E.

"Geologists Licensing Act.

"§ 89E-1. Short title.—This Chapter shall be known as the North Carolina Geologists Licensing Act.

"§ 89E-2. Purpose.—The purposes of this act are to protect life, property, health and public welfare through the regulation of the practice of geology in the State of North Carolina; to define the practice of geology as a profession, establishing minimum professional standards of ethical conduct, professional responsibility, educational and experience background; and to prevent abuses of the practice of geology by untrained or unprincipled individuals.

"§ 89E-3. Definitions.—When used in this Chapter, unless the context otherwise requires:

(a) 'Board' means the North Carolina Board for Licensing of Geologists.

(b) 'Geologist'. The term 'geologist', within the intent of this Chapter, shall mean a person who is trained and educated in the science of geology.

(c) 'Geology' means the science dealing with the earth and its history; investigation, prediction and location of the materials and structures which compose it; the natural processes that cause change in the earth; and the applied science of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases and other materials for the benefit of mankind. This definition shall not include any service or creative works, the adequate performance of which requires engineering education, training, and experience.

(d) 'Public practice of geology' means the performance for others of geological service or work in the nature of work or consultation, investigation, surveys, evaluations, planning, mapping and inspection of geological work, in which the performance is related to the public welfare of safeguarding of life, health, property and the environment, except as specifically exempted by this Chapter. This definition shall not include or allow the practice of engineering as defined in Chapter 89C of the North Carolina General Statutes.

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(e) 'Licensed geologist' means a person who is licensed as a geologist under the provisions of this Chapter.

(f) The term 'responsible charge of work' means the independent control and direction by the use of initiative, skill and independent judgment of geological work or the supervision of such work.

(g) The term 'subordinate' means any person who assists a licensed geologist in the practice of geology without assuming the responsible charge of work.

(h) The term 'qualified geologist' means a person who possesses all of the qualifications specified in this Chapter for licensing except that he or she is not licensed.

(i) The term 'geologist-in-training' means a person who has taken and successfully passed the portion of professional examination covering fundamental or academic geologic subjects, prior to his completion of the requisite years of experience in geologic work as provided for in this Chapter.

(j) The term 'good moral character' means such character as tends to ensure the faithful discharge of the fiduciary duties of the licensed geologist to his client.

(k) 'License' means a certificate issued by the Board recognizing the individual named in this certificate as meeting the requirements for licensing under this Chapter.

"§ 89E-4. North Carolina Board for Licensing of Geologists; appointments; terms; composition.—(a) The North Carolina Board for Licensing of Geologists shall have the power and responsibility to administer the provisions of this Chapter in compliance with the Administrative Procedures Act, G.S. Chapter 150A.

(b) The Board shall consist of five members appointed by the Governor in the manner hereinafter prescribed, and in addition the State Geologist shall serve on the Board ex officio. The Governor may remove any member of the Board for neglect of duty or malfeasance or violation of this Chapter or conviction of a felony or other crime of moral turpitude, but for no other reason.

(c) Each member of the Board shall be a citizen of the United States and shall have been a resident of this State for at least six months immediately preceding his or her appointment.

(d) All members of the initial Board shall be appointed by the Governor and shall at the time of their appointment qualify for licensing under this Chapter except for the lay member appointee. At all times at least one member of the Board shall be an academic geologist; one member shall be a salaried company geologist; one member shall be an independent or consultant geologist; one member shall be a representative from the mining industry; one member shall be a consumer or lay member who is not a geologist; and in addition, the State Geologist shall serve as a permanent ex officio member.

(e) After the establishment of the initial Board, all members, with the exception of the lay member, shall be so licensed under the provisions of this Chapter. The term of office of each member of the Board shall be three years; provided, however, that of the members first appointed, one shall be appointed for a term of one year; two for terms of two years; and two for terms of three years in the discretion of the Governor. No member shall serve more than two consecutive three-year terms without an interruption in service of at least one year.

(f) Each term of service on the Board shall expire on the 30th day of June of the year in which the term expires. As the term of a member expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.

(g) Members of the Board may receive compensation for their services and reimbursement for expenses incurred in the performance of duties required by this Chapter at the rates prescribed in G.S. 138-5, subject to availability of funds.

(h) The Board may employ, subject to the provisions of Chapter 126 of the General Statutes, the necessary personnel for performance of its functions, and fix their compensation within the limits of funds available to the Board.

“§ 89E-5. Functions and duties of the Licensing Board.—(a) The Board shall administer and enforce the provisions of this Chapter.

(b) The Board shall elect from its membership a chairman, a vice-chairman and a secretary-treasurer, and adopt rules, consistent with the Administrative Procedures Act, to govern its proceedings. A majority of the membership of the Board shall constitute a quorum for all Board meetings.

(c) The Board shall examine and pass on the qualifications of all applicants for licensing under this Chapter, and shall issue a license to each successful applicant therefor.

(d) The Board may adopt a seal which may be affixed to all licenses issued by the Board.

(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Chapter from the fees which it collects, but in no event shall expenditures exceed the revenues of the Board during any fiscal year.

(f) The Board shall hold a meeting within 30 days after a quorum of its members is first appointed and thereafter shall hold at least two regular meetings each year.

(g) The Board shall establish and receive fees as required by this Chapter. In establishing fees, the Board shall consider exemptions from fees or a reduction in licensing fees for those persons otherwise qualified for licensing under this Chapter but who perform geologic work or services less than 15 days per year.

(h) The Board shall have such other powers and duties as are necessary to carry out the provisions of this Chapter.

(i) The Board shall have the power to establish or approve reasonable standards for licensing and renewal of licenses of geologists, including, but not limited to the power to adopt or use examination materials and accreditation standards of any duly professionally recognized accrediting agency. The Board shall have the power to establish reasonable standards for continuing professional education for geologists, provided that for renewal of license no examination shall be required.

“§ 89E-6. Exemptions.—Any person except as specifically exempted below who shall publicly practice or offer to publicly practice geology in this State is subject to the provisions of this Chapter. The following persons are exempt:

(a) Persons engaged solely in teaching the science of geology or engaged solely in geologic research in this State may pursue their teaching and/or research without licensing. A teacher or researcher must, however, be a licensed geologist if he or she performs geologic work and services for which a licensed geologist is required by this Chapter.

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(b) Officers and employees of the United States of America and the State of North Carolina practicing solely as such officers or employees.

(c) Officers and employees of petroleum companies practicing solely as such officers and employees and not offering their professional services to the public for hire.

(d) A subordinate to a geologist or a geologist-in-training licensed under this Chapter insofar as he or she acts solely in such capacity. This exemption does not permit any such subordinate to practice geology for others in his own right or use the term 'Licensed Geologist'.

"§ 89E-7. Limitations.—(a) This Chapter does not prohibit one or more geologists from practicing through the business organization of a sole proprietorship; partnership; corporation or professional association. In a partnership or corporation or professional association, the primary activity of which consists of geological services, at least one partner or officer shall be a licensed geologist as defined in this Chapter.

(b) This Chapter shall not be construed to prevent or to affect:

- (1) The practice of any profession or trade for which a license is required under any other law of this State, or the practice of Registered Professional Engineers from lawfully practicing soils mechanics, foundation engineering and other professional engineering as provided in the North Carolina General Statutes, or licensed architects or landscape architects from lawfully practicing architecture or landscape architecture, or the practice of soil science by professionals certified by the Soil Science Society of North Carolina, respectively as provided in the General Statutes;
- (2) The public practice of geology by a person not a resident of and having no established place of business in this State, when such practice does not exceed in the aggregate more than 90 days in any calendar year, and provided such person is duly licensed to practice such profession in another state where the requirements for a license are not lower than those specified in this Chapter for obtaining the license required for such work; and provided further that such nonresident shall file with the Board within 10 days of entering this State for commencing of such work, a statement giving his name, residence, the number of his license, and by what authority issued, and upon the completion of the work, a statement of the time engaged in such work within the State; or
- (3) The practice of a person not a resident and having no established place of business in this State, or who has recently become a resident hereof, practicing or offering to practice herein for more than 90 days in any calendar year the profession of geology, if he is licensed in another state or qualified as defined herein, if he shall have filed with the Board an application for a license and shall have paid the fee required by this Chapter. Such practice shall be deemed a provisional practice and shall continue only for such time as the Board requires reasonably for the consideration of the applicant for licensing under this Chapter as a geologist.

"§ 89E-8. Applications.—An application for licensing as a geologist shall be made under oath, shall show the applicant's education and a summary of his geological work, plus other relevant criteria to be determined by the Board. The

Board shall have the power to determine a reasonable application fee which shall accompany each application.

“§ 89E-9. Minimum qualifications.—An applicant shall be eligible for a license as a geologist in North Carolina provided that each applicant meets the following minimum qualifications:

(a) Be of good moral and ethical character.

(b) Have graduated from an accredited college or university, and have a degree with a major in geology, engineering geology or geological engineering or related geologic science; or have completed 30 semester hours or the equivalent in geological science courses leading to a major in geology, of which at least 24 hours of the equivalent were upper level undergraduate courses or graduate courses. The Board shall waive the academic requirements for a person already practicing geology at the time this Chapter is enacted, provided application for license is made not later than one year after appointment of the initial Board and provided further that the applicant can provide evidence to satisfy the Board that he or she is competent to engage in the public practice of geology.

(c) Successfully pass such examination established by the Board which shall be designed to demonstrate that the applicant has the necessary knowledge and requisite skill to exercise the responsibilities of the public practice of geology. The Board shall waive the examination for licensing as a geologist of an applicant who makes written application to the Board not later than one year after appointment of the initial Board, and who otherwise meets the qualification of this Chapter.

“§ 89E-10. Examinations.—(a) Examinations shall be formulated and conducted by the Board at such time and place as the Board shall determine, but shall be held at least annually.

(b) The board shall determine the fee required for examination.

“§ 89E-11. Comity.—A person holding a license to engage in the practice of geology, on the basis of comparable licensing requirements issued to him by a proper authority by the State, territory, or possession of the United States or the District of Columbia, and who, in the opinion of the Board otherwise meets the requirements of this Chapter based upon verified evidence may, upon application, be licensed without further examination.

“§ 89E-12. Issuance, renewal and replacement of licenses.—(a) The Board shall issue a license upon payment of the license fee as fixed by the Board to any applicant who has satisfactorily met all the requirements of the Chapter as administered by the Board. Licenses shall show the full name of the registrant, shall give a serial number, and shall be signed by the chairman and secretary of the Board under the seal of the Board. The issuance of a license by the Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed geologist while the license remains in full force and effect.

(b) All licenses shall expire at such interval as may be determined by the Board, unless licenses are renewed. All applications for renewal shall be filed with the Board under rules and regulations it shall adopt and which renewal shall be accompanied by the renewal fee prescribed by the Board. A license which has expired for failure to renew may only be restored after application and payment of the prescribed restoration fee, provided the renewal applicant meets all other provisions of this Chapter.

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(c) A new license to replace any license lost, destroyed or mutilated may be issued, subject to the rules of the Board and payment of a fee set by the Board.

“§ 89E-13. Seals; requirements.—Each geologist licensed hereunder, upon the issuance of a license, shall obtain from the secretary at a cost prescribed by the Board, a seal of the design authorized by the Board bearing the licensee's name and the legend ‘Licensed Geologist—State of North Carolina’. All drawings, reports or other geologic papers or documents involving geologic work as defined in this Chapter which shall have been prepared or approved by a licensed geologist or a subordinate employee under his direction for the use of or for delivery to any person or for public record within this State shall be signed by him or her and impressed with the said seal or the seal of a nonresident practicing under the provisions of this Chapter, either of which shall indicate his or her responsibility therefor.

“§ 89E-14. Records.—(a) The Board shall keep a public record of its proceedings and a register of all applications for licensing.

(b) The register shall show:

- (1) The name, the age and the residency of each applicant;
- (2) The date of application;
- (3) The place of business of such applicant;
- (4) His or her education and other qualifications;
- (5) Whether or not an examination was required;
- (6) Whether the applicant was licensed;
- (7) Whether a license was granted;
- (8) The dates of the action by the Board; and
- (9) Such other information as may be deemed necessary by the Board. All official records of the Board or affidavits by the Secretary as to the content of such records shall be prima facie evidence of all matters required to be kept therein.

(c) The Board shall treat as confidential and not subject to disclosure except to the extent required by law or by rule or regulation of the Board individual test scores and applications and material relating thereto, including letters of reference relating to an application.

“§ 89E-15. Roster of licensed geologists.—The secretary shall keep a record and shall publish annually a roster showing the names and places of business and residence addresses of all licensed geologists. Copies of this roster shall be made available to the public upon request and payment of reasonable fee for copying established by the Board.

“§ 89E-16. Code of professional conduct.—This Board shall cause to have prepared and shall adopt a code of professional conduct which shall be made known in writing to every licensee and applicant for licensing under this Chapter and which shall be published by the Board. Such publication shall constitute due notice to all licensees. The Board may revise and amend this code of ethics from time to time after due notice and opportunity for hearing to all licensed members and the public for comment before adoption of the revision or amendments.

“§ 89E-17. Complaints.—Any person may file written charges with the Board against any licensee pursuant to rules and regulations adopted by the Board; provided however, such charges or allegations shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the

secretary. The Board shall have the authority and shall be under a duty to investigate reasonably all valid complaints.

“§ 89E-18. Prohibitions; unlawful acts.—After the effective date of this Chapter:

(a) It shall be unlawful for any person other than a licensed geologist or a subordinate under his direction to prepare any geologic plans, reports or documents in which the performance is related to the public welfare or safeguarding of life, health, property or the environment.

(b) It shall be unlawful for any person to publicly practice, or offer to publicly practice, geology in this State as defined in the provisions of this Chapter, or to use in connection with his or her name or otherwise assume, or advertise any title or description tending to convey the impression that he or she is a licensed geologist, unless such person has been duly licensed or exempted under the provisions of this Chapter.

(c) After one year following the effective date of this act, it shall be unlawful for anyone other than a geologist licensed under this Chapter to stamp or seal any plans, plats, reports or other documents with the seal or stamp of a licensed geologist, or to use in any manner the title ‘Licensed Geologist’ unless that person is licensed hereunder.

(d) It shall be unlawful for any person to affix his or her signature to or to stamp or seal any plans, plats, reports, or other documents after the licensing of the person named thereon has expired or has been suspended or revoked unless the license has been renewed or reissued.

“§ 89E-19. Disciplinary procedures.—The Board may, consistent with the provisions of Chapter 150A of the General Statutes, refuse to grant or to renew, may suspend, or may revoke the license of any person licensed under this Chapter who has violated the provisions of this Chapter or a rule or regulation of the Board, or who has been convicted of a misdemeanor under this Chapter, or who has been convicted of a felony or who has been found by the Board to have been guilty of gross unprofessional conduct, dishonest practice or incompetence or fraud or deceit in obtaining a license or in aiding or abetting by fraud or deceit another person’s obtaining a license.

“§ 89E-20. Hearing procedures.—(a) The Board shall develop procedures for investigation, prehearing and hearing of disciplinary actions; such disciplinary actions shall be conducted pursuant to the provisions of Article 3, Chapter 150A of the General Statutes.

(b) Any person aggrieved by a decision of the Board other than a decision in a disciplinary action may petition the Board for a hearing pursuant to the provisions of Article 3, Chapter 150A of the General Statutes.

(c) Judicial review of a final agency decision is available in the manner prescribed by Article 4, Chapter 150A of the General Statutes.

“§ 89E-21. Reissuance of license.—The Board, by a majority vote of the quorum, may reissue a license to any person whose license has been revoked when the Board finds upon written application by the applicant that there is good cause to justify such reissuance.

“§ 89E-22. Misdemeanor.—Any person who shall willfully practice publicly, or offer to practice publicly, geology for other natural or corporate persons in this State without being licensed in accordance with the provisions of this Chapter, or any person presenting or attempting to use as his own the license or the seal of another, or any person who shall give any false or forged evidence of

any kind in obtaining a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked license or practice at any time during a period the Board has suspended or revoked the license, or any person who shall violate the provisions of this Chapter shall be guilty of a misdemeanor; upon conviction thereof, such person shall be punishable by a fine of not more than five hundred dollars (\$500.00), by imprisonment of not more than six months, or both such fine and imprisonment.

“§ 89E-23. Injunction.—As an additional remedy, the Board shall have the authority to proceed in a superior court appropriate jurisdiction to enjoin and restrain any natural or corporate person from violating the prohibitions of this Chapter. The Board shall not be required to post bond in connection with obtaining either provisional, preliminary or permanent injunctive relief pursuant to the North Carolina Rules of Civil Procedure or G.S. 1-485 et seq.

“§ 89E-24. Attorney General as legal advisor.—The Attorney General or any assistant or associate in the Department of Justice selected by him shall act as legal advisor to the Board.”

Sec. 2. For the purposes of the appointment of the initial Board and of administrative preparation for the implementation of this Chapter, this act shall become effective July 1, 1983. For all other purposes, this act shall become effective January 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

S. B. 731

CHAPTER 1075

AN ACT TO PROVIDE AN ADDITIONAL TAX EXEMPTION FOR PARENTS OF INDIVIDUALS WITH CYSTIC FIBROSIS.

Whereas, there are at least 350 individuals in North Carolina who are significantly affected by cystic fibrosis, physically, emotionally, economically and socially; and

Whereas, cystic fibrosis is a catastrophic illness that places a heavy strain on the individual, and his family, to the extent that the total cost of the illness is immeasurable; and

Whereas, according to the Cystic Fibrosis Foundation, the cost of medical treatment alone for the average cystic fibrosis patient ranges from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000) per year, a cost most families cannot meet; and

Whereas, it is therefore desirable that such persons be given additional relief from taxation; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-149 as the same appears in the 1979 Replacement Volume 2D of the General Statutes of North Carolina is hereby amended to add the following new exemption to be inserted between subdivision (a) (8d) and (a) (9) as follows:

“In the case of persons with cystic fibrosis meeting the criteria herein contained, such persons shall be entitled to an additional exemption of one thousand one hundred dollars (\$1,100) in addition to all other exemptions provided by law. Eligible persons with cystic fibrosis shall be those who submit to the Division of Health Services of the Department of Human Resources a

certificate from a physician or county health department certifying that such condition exists.

An additional exemption of one thousand one hundred dollars (\$1,100) is allowed in addition to all other exemptions provided by law for each dependent as defined above, who has cystic fibrosis and meets the criteria as set out above."

Sec. 2. The Division of Health Services of the Department of Human Resources is hereby directed to develop said certificate and inform physicians and county health departments of its availability.

Sec. 3. This act is effective for taxable years beginning on or after January 1, 1984.

In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

S. B. 745 CHAPTER 1076

AN ACT TO CLARIFY THE CONFIDENTIALITY REQUIREMENTS IN THE DECLARATION OF DOMICILIARY HOME RESIDENTS' RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131D-21(6) is rewritten to read:

"(6) To have his or her personal and medical records kept confidential and not disclosed without the written consent of the individual or guardian, which consent shall specify to whom the disclosure may be made, except as required by applicable State or federal statute or regulation or by third party contract. It is not the intent of this section to prohibit access to medical records by the treating physician except when the individual objects in writing. Records may also be disclosed without the written consent of the individual to agencies, institutions or individuals which are providing emergency medical services to the individual. Disclosure of information shall be limited to that which is necessary to meet the emergency."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

S. B. 763 CHAPTER 1077

AN ACT TO PERMIT A DISTRICT BOARD OF HEALTH TO BE COMPOSED OF AT LEAST FIFTEEN BUT NO MORE THAN EIGHTEEN MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-37(a) is rewritten to read as follows:

"(a) A district board of health shall be the policymaking, rule-making and adjudicatory body for a district health department and shall be composed of 15 members; provided, a district board of health may be increased up to a maximum number of 18 members by agreement of the boards of county commissioners in all counties that comprise the district. The agreement shall be evidenced by concurrent resolutions adopted by the affected boards of county commissioners."

Sec. 2. This act is effective upon ratification.

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In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

S. B. 877 **CHAPTER 1078**

AN ACT AUTHORIZING COUNTIES TO ESTABLISH CEMETERY SERVICE DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-301 is amended by changing the period at the end of subdivision (8) to a semicolon and by adding a new subdivision to read:

“(9) Cemeteries.”

Sec. 2. The Cherokee County Board of Commissioners shall hold a referendum in Valletown Township on the question of establishing a cemetery service district in that Township. If a majority of voters voting thereon approves the establishment of the district, the Cherokee County Board of Commissioners shall establish a cemetery service district in Valletown Township and shall establish a Valletown Township Cemetery Commission. The question of establishing a cemetery service district in Valletown Township, shall be submitted to the qualified voters of that Township at the general election in November, 1984.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

S. B. 895 **CHAPTER 1079**

AN ACT TO AUTHORIZE THE COUNTY OF CUMBERLAND TO SELL INDUSTRIAL SITES IN ITS INDUSTRIAL PARK WITHOUT UTILIZING THE FORMAL BID REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A OF THE NORTH CAROLINA GENERAL STATUTES.

Whereas, the County of Cumberland is authorized pursuant to Chapter 153A-149(c)(16a) to provide for industrial development; and

Whereas, the County of Cumberland has undertaken to acquire and develop a county-owned industrial park known as the Cumberland Industrial Center located in Rockfish Township, County of Cumberland, State of North Carolina, and more particularly described in a set of restrictive covenants found in Book 2998, Page 811 of the Cumberland County Register of Deeds; and

Whereas, through the aforesaid set of restrictive covenants, the county has made provision to ensure the orderly development of the center as an industrial park for the purpose of enhancing the industrial and economic development of Cumberland County; and

Whereas, pursuant to G.S. 153A-176, counties are authorized to dispose of real or personal property pursuant to Article 12 of Chapter 160A of the North Carolina General Statutes; and

Whereas, the methods enumerated in Article 12 are not well suited for the purpose of selling industrial sites to potential industries seeking to locate within Cumberland County; and

Whereas, the continued recruitment of new industry is vital to the economic well-being of the County of Cumberland and the State of North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The County of Cumberland is authorized to sell industrial sites in its industrial park known as the Cumberland Industrial Center, to industrial prospects subject to its restrictive covenants as appear of record, without utilizing the formal bid requirements of Article 12 of Chapter 160A of the North Carolina General Statutes. Sales conducted hereunder shall be accomplished in the following manner:

“(a) The county Manager of Cumberland County may, under a continuing resolution adopted by the Cumberland County Board of Commissioners, offer for sale and negotiate the terms of sale for any and all industrial sites located within the Cumberland Industrial Center. This resolution must be adopted at an open meeting of the County Board of Commissioners once each year and shall designate any and all sites that are for sale and attach any additional terms and conditions for the sale of said land.

(b) At any time that the County Manager receives a written offer to purchase a site within the Cumberland Industrial Center the County Board of Commissioners, at any special or regular meeting, may agree to sell said property pursuant to the written offer without further notification or sales procedure.

(c) Within seven days of the acceptance of said offer, the County Board of Commissioners shall publish a resolution in a local daily paper of major circulation identifying the site to be sold and briefly enumerating the terms of the sale. This resolution is for the purposes of fully notifying the residents of Cumberland County of the Commissioners’ action in disposing of the industrial sites within the county, but it is not to be construed as requiring additional form of approval or action.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1984.

H. B. 1283 CHAPTER 1080

AN ACT TO LIMIT CITIES IN THEIR REQUIREMENTS FOR DEDICATION OF WATER SYSTEMS AS PART OF SUBDIVISION REGULATIONS APPLICABLE TO AREAS OUTSIDE OF THE CITY LIMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-374 is amended by adding a new sentence at the end to read as follows:

“Unless the city shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, a city shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of the city, require dedication of water systems or facilities as a condition for subdivision approval.”

Sec. 2. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1451

CHAPTER 1081

AN ACT TO CONFORM SUBCHAPTER 1 OF CHAPTER 76A OF THE GENERAL STATUTES AFFECTING THE CAPE FEAR RIVER NAVIGATION AND PILOTAGE COMMISSION WITH THE PROVISIONS OF SUBCHAPTER 2 OF CHAPTER 76A AFFECTING THE MOREHEAD CITY NAVIGATION AND PILOTAGE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 76A-1 is rewritten to read:

"The Commission shall have the exclusive power to license and regulate a group of river pilots familiar with the waters of the Cape Fear River and Bar to best guide vessels within those waters and to exercise authority over navigation in the Cape Fear and Bar and to and from the sea buoy of the port."

Sec. 2. The first sentence of G.S. 76A-5(a) is amended by adding immediately after the words "arrangements and station of pilots" the words "and for the control of navigation within the Cape Fear River and from and to the Cape Fear Bar and the sea buoys".

Sec. 3. G.S. 76A-6 is amended by adding a new subdivision to read:

"(3) Apprentice. A license to engage in a program, approved by the Commission, as apprentice pilot under the terms of G.S. 76A-12."

Sec. 4. G.S. 76A-24 is amended by adding a new sentence at the end of the paragraph to read:

"The Commission, in carrying out its duties, may incur necessary legal and auditing expenses and expenses for its travel and investigation which in addition to the one hundred dollars (\$100.00) per meeting fee and other allowances provided by law shall be paid from the foregoing funds."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1658

CHAPTER 1082

AN ACT TO REPEAL STATUTES RELATING TO THE NORTH CAROLINA WATER SAFETY COMMITTEE AND WATER SAFETY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-279(14) and G.S. 143B-314 through G.S. 143B-316 are repealed.

Sec. 2. The title of Article 2 of General Statutes Chapter 75A is rewritten to read:

"Local Water Safety Committees."

Sec. 3. G.S. 75A-20 through G.S. 75A-25 are repealed.

Sec. 4. G.S. 75A-15(a) is amended in the first sentence by substituting the word, "In" for the words, "Upon petition to it in"; and in the second sentence by striking the words, "in accordance with any standards that may have been developed by the North Carolina Water Safety Committee".

Sec. 5. G.S. 75A-15(b) is amended by rewriting the first paragraph to read:

"Any subdivision of this State may, but only after public notice, make formal application to the Wildlife Resources Commission for special regulations on

waters within the subdivision's territorial limits as to the matters listed in subsection (a) of this section. The Wildlife Resources Commission may, in accordance with applicable provisions of General Statutes Chapter 150A, adopt special regulations for local areas of water defined by the Commission that are found to be heavily used for water recreation purposes by persons from other areas of the State and as to which there is not coordinated local interest in regulation."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1778 CHAPTER 1083

AN ACT TO AMEND THE STATUTE PERTAINING TO SEIZURE AND CONFISCATION OF FISH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-137(b) is amended by adding the following at the end of the first sentence to read:

"When live fish are returned to public fishing bottoms or public waters, the inspector or protector shall state on the citation the quantity returned."

Sec. 2. G.S. 113-137(e) is amended by addition of the following sentences at the end of the second paragraph to read:

"Within 20 days of the final court adjudication of a citation, the Department or the Wildlife Resources Commission shall notify any acquitted defendant or established owner of its duly established procedures whereby reimbursement may be sought for live fish seized summarily under subsection (d) that is not available for return. Any action or proceeding to recover compensation must be begun within 30 days after receipt of the notice of applicable procedures. After the expiration of this period of limitation, no right or action or claim for compensation shall be asserted."

Sec. 3. G.S. 113-137(g) is amended by adding immediately following the word "lawful" in the last sentence the following words: "for public health reasons".

Sec. 4. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1795 CHAPTER 1084

AN ACT TO REENACT FORMER STATUTORY AUTHORITY FOR PUBLIC SEWERAGE SYSTEMS TO EXERCISE THE POWER OF EMINENT DOMAIN.

Whereas, in the recent revision of North Carolina's statutory provisions concerning eminent domain, by unintentional oversight and inadvertence, the former statutory authority for eminent domain by "Public sewerage systems" was omitted (former G.S. 40-2(10)); and

Whereas, in order to improve quality of life, protect our environment, and provide for the public benefit, the eminent domain authority for public sewerage systems must be restored; Now, therefore,

The General Assembly of North Carolina enacts:

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Section 1. G.S. 40A-3(a)(1) is hereby amended by adding “public sewerage systems,” after “public water supplies,”.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1797

CHAPTER 1085

AN ACT TO ESTABLISH THE NORTH CAROLINA ADVISORY COUNCIL ON THE EASTERN BAND OF THE CHEROKEE.

Whereas, the Eastern Band of Cherokee Indians resides in five rural counties in Western North Carolina on land held in trust for their use and benefit by the Government of the United States of America; and

Whereas, a separate body of federal law dealing with federally recognized Indian Tribes has been developed; and

Whereas, the Eastern Band of Cherokee Indians has a unique legal relationship with the State of North Carolina and its agencies; and

Whereas, the Eastern Band of Cherokee Indians makes valuable contributions to the State of North Carolina; and

Whereas, there is a continuing need to coordinate the relationship between the Eastern Band of Cherokee Indians and the State of North Carolina in order to resolve potential conflicts relating to jurisdiction, regulatory power and other matters of concern to the State and the Cherokee Indians; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 143B of the General Statutes is amended by adding a new part to read:

“PART 15.1. NORTH CAROLINA ADVISORY COUNCIL ON THE EASTERN BAND OF THE CHEROKEE.

“§ 143B-12.1. North Carolina Advisory Council on the Eastern Band of the Cherokee creation; membership; terms of office.—The North Carolina Advisory Council on the Eastern Band of the Cherokee is created in the Department of Administration. The Council shall consist of 16 members and shall include the following members: eight members shall be appointed by the Chief with the consent of the Tribal Council of the Eastern Band of the Cherokee; the Superintendent of Public Instruction or his designee; the Secretary of Administration or his designee; the Secretary of Human Resources or his designee; the Secretary of Natural Resources and Community Development or his designee; the Attorney General or his designee; one member appointed by the Governor who shall be a representative of local government in Swain, Jackson, or Cherokee Counties; one legislator appointed by the Speaker of the House; and one legislator appointed by the President Pro Tempore of the Senate. Members serving by virtue of their office within State Government shall serve so long as they hold that office, except that the members appointed by the Speaker of the House and the President Pro Tempore of the Senate shall serve for two-year terms. Members appointed by the Chief shall serve at the pleasure of the Chief. Members appointed by the Chief shall serve at the pleasure of the Chief. Members appointed by the Governor shall serve a term of four years at the pleasure of the Governor.

“§ 143B-12.2. North Carolina Advisory Council on the Eastern Band of the Cherokee—purpose or creation; powers and duties.—The purpose of the Council

is to study on a continuing basis the relationship between the Eastern Band of the Cherokee and the State of North Carolina in order to resolve any matters of concern to the State or the Tribe. It shall be the duty of the Council to:

(1) Identify existing and potential conflicts between the State of North Carolina and the Eastern Band of Cherokee Indians;

(2) Propose State and federal legislation and agreements between the State of North Carolina and the Cherokee Tribe to resolve existing and potential conflicts;

(3) To study and make recommendations concerning any issue referred to the Council by any official of the Eastern Band of the Cherokee, the State of North Carolina, or the government of Haywood, Jackson, Swain, Graham, or Cherokee Counties.

(4) Study other issues of mutual concern to the Eastern Band of the Cherokee;

(5) Make a report with recommendations as needed, but not less often than biannually to the Governor, the Chief of the Eastern Band of the Cherokee, the General Assembly, and the Tribal Council of the Eastern Band of the Cherokee.

“§ 143B-12.3. North Carolina Advisory Council of the Eastern Band of the Cherokee—meetings; quorum; compensation; chairman.—The Council shall meet at least quarterly or at the call of the chairman or a majority of the Council. A quorum shall consist of a majority of the Council. Designees of Council members serving by virtue of office shall be entitled to vote. The Chairman of the Council shall be elected from the membership. The selection of a member as chairman shall have no effect on the member's voting privileges. Council members who are seated by virtue of their office within State government shall be compensated at the rate specified in G.S. 138-6. Council members who are members of the General Assembly shall be compensated at the rate specified in G.S. 120-31. Other Council members shall be compensated at the rate specified in G.S. 138-5.

“§ 143B-12.4. North Carolina Advisory Council on the Eastern Band of the Cherokee—clerical and administrative support.—All clerical and other services required by the Council shall be supplied by the Secretary of Administration.”

Sec. 2. This act is effective upon ratification, but the members of the Governor's Cherokee Task Force shall continue to serve until all appointments to the Council are made.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

S. B. 478

CHAPTER 1086

AN ACT TO REFUND THE AMOUNT OF ACCUMULATED CONTRIBUTIONS IN EXCESS OF THE CONTRIBUTIONS REQUIRED OF OTHER MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM MADE BY FIREMEN NOT COVERED UNDER THE SOCIAL SECURITY ACT WHO WERE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27 is amended by adding a new subsection after subsection (f) to read:

"(f1) Notwithstanding the foregoing provisions, upon or after retirement any member who was a uniformed fireman, shall upon submission of an application, be paid the sum of accumulated contributions, with regular interest thereon, made under those provisions of G.S. 128-30(b)(1) that applied from July 1, 1965, through June 30, 1971, to the extent of the contributions required of the member that were in excess of the contributions required of other members of the Local Governmental Employees' Retirement System covered under the Social Security Act as was from time to time in effect; provided that, the return of contributions shall be payable only if the contributions did not increase the retirement allowance of the member under the provisions of this Chapter."

Sec. 2. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

S. B. 807

CHAPTER 1087

AN ACT TO PERMIT INTERSTATE MERGERS AND ACQUISITIONS OF SAVINGS AND LOAN ASSOCIATIONS AND SAVINGS AND LOAN HOLDING COMPANIES ON A RECIPROCAL BASIS WITHIN A SPECIFIED REGION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 54B of the General Statutes is amended by adding a new Article 3A to read as follows:

"Article 3A.

"North Carolina Regional Reciprocal Savings
and Loan Acquisition Act.

"§ 54B-48.1. Title.—This Article shall be known and may be cited as the North Carolina Regional Reciprocal Savings and Loan Acquisition Act.

"§ 54B-48.2. Definitions.—Notwithstanding the provisions of G.S. 54B-4, as used in this Article, unless the context requires otherwise:

(1) 'Acquire', as applied to an association or a savings and loan holding company, means any of the following actions or transactions:

- a. The merger or consolidation of an association with another association or savings and loan holding company or a savings and loan holding company with another savings and loan holding company.
- b. The acquisition of the direct or indirect ownership or control of voting shares of an association or savings and loan holding company if, after the acquisition, the acquiring association or savings and loan

holding company will directly or indirectly own or control more than five percent (5%) of any class of voting shares of the acquired association or savings and loan holding company.

- c. The direct or indirect acquisition of all or substantially all of the assets of an association or savings and loan holding company.
 - d. The taking of any other action that would result in the direct or indirect control of an association or savings and loan holding company.
- (2) 'Administrator' means the Administrator of the Savings and Loan Division.
- (3) 'Association' means a mutual or capital stock savings and loan association, building and loan association or savings bank chartered under the laws of any one of the states or by the Federal Home Loan Bank Board, pursuant to the 'Home Owners' Loan Act of 1933', 12 U.S.C. Section 1464, as amended.
- (4) 'Branch office' means any office at which an association accepts deposits. The term branch office does not include:
- a. Unmanned automatic teller machines, point-of-sale terminals, or similar unmanned electronic banking facilities at which deposits may be accepted;
 - b. Offices located outside the United States; and
 - c. Loan production offices, representative offices, service corporation offices, or other offices at which deposits are not accepted.
- (5) 'Company' means that which is set forth in the Federal Savings and Loan Holding Company Act, 12 U.S.C. Section 1730a(a)(1)(C), as amended.
- (6) 'Control' means that which is set forth in the Federal Savings and Loan Holding Company Act, 12 U.S.C. Section 1730a(a)(2), as amended.
- (7) 'Deposits' means all demand, time, and savings deposits, without regard to the location of the depositor: Provided, however, that 'deposits' shall not include any deposits by associations. For purposes of this Article, determination of deposits shall be made with reference to regulatory reports of condition or similar reports made by or to State and federal regulatory authorities.
- (8) 'Federal association' means an association chartered by the Federal Home Loan Bank Board pursuant to the 'Home Owners' Loan Act of 1933', 12 U.S.C. Section 1464, as amended.
- (9) 'North Carolina association' means an association organized under the laws of the State of North Carolina or under the laws of the United States and that:
- a. Has its principal place of business in the State of North Carolina;
 - b. Which if controlled by an organization, the organization is either a North Carolina association, Southern Region association, North Carolina savings and loan holding company, or a Southern Region savings and loan holding company; and
 - c. More than eighty percent (80%) of its total deposits, other than deposits located in branch offices acquired pursuant to Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m)) or comparable state law, are in its branch offices located in one or more of the Southern Region states.

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- (10) 'North Carolina Savings and Loan Holding Company' means a savings and loan holding company that:
- a. Has its principal place of business in the State of North Carolina;
 - b. Has total deposits of its Southern Region association subsidiaries and North Carolina association subsidiaries that exceed eighty percent (80%) of the total deposits of all association subsidiaries of the savings and loan holding company other than those association subsidiaries held pursuant to Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m)) or comparable state law.
- (11) 'Principal place of business' of an association means the state in which the aggregate deposits of the association are the largest. For the purposes of this Article, the principal place of business of a savings and loan holding company is the state where the aggregate deposits of the association subsidiaries of the holding company are the largest.
- (12) 'Savings and loan holding company' means any company which directly or indirectly controls an association or controls any other company which is a savings and loan holding company.
- (13) 'Service Corporation' means any corporation, the majority of the capital stock of which is owned by one or more associations and which engages, directly or indirectly, in any activities which may be engaged in by a service corporation in which an association may invest under the laws of one of the states or under the laws of the United States.
- (14) 'Southern Region association' means an association other than a North Carolina association organized under the laws of one of the Southern Region states or under the laws of the United States and that:
- a. Has its principal place of business only in a Southern Region state other than North Carolina;
 - b. Which if controlled by an organization, the organization is either a Southern Region association or a Southern Region savings and loan holding company; and
 - c. More than eighty percent (80%) of its total deposits, other than deposits located in branch offices acquired pursuant to Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m)) or comparable state law, are in its branch offices located in one or more of the Southern Region states.
- (15) 'Southern Region savings and loan holding company' means a savings and loan holding company that:
- a. Has its principal place of business in a Southern Region state other than the State of North Carolina;
 - b. Has total deposits of its Southern Region association subsidiaries and North Carolina association subsidiaries that exceed eighty percent (80%) of the total deposits of all association subsidiaries of the savings and loan holding company other than those association subsidiaries held pursuant to Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m)) or comparable state law.
- (16) 'Southern Region states' means the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

- (17) 'State' means any state of the United States and the District of Columbia.
- (18) 'State association' means an association organized under the laws of one of the states.
- (19) 'Subsidiary' means that which is set forth in the Federal Savings and Loan Holding Company Act, 12 U.S.C. Section 1730a(a)(1)(H), as amended.

"§ 54B-48.3. Acquisitions by Southern Region savings and loan holding companies and Southern Region associations.—(a) A Southern Region savings and loan holding company or a Southern Region association that does not have a North Carolina association subsidiary (other than a North Carolina association subsidiary that was acquired either pursuant to Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m)), or comparable provisions in state law, or in the regular course of securing or collecting a debt previously contracted in good faith) may acquire a North Carolina savings and loan holding company or a North Carolina association with the approval of the Administrator. The Southern Region savings and loan holding company or Southern Region association shall submit to the Administrator an application for approval of such acquisition, which application shall be approved only if:

- (1) The Administrator determines that the laws of the state in which the Southern Region savings and loan holding company or Southern Region association making the acquisition has its principal place of business permit North Carolina savings and loan holding companies and North Carolina associations to acquire associations and savings and loan holding companies in that state;
- (2) The Administrator determines that the laws of the state in which the Southern Region savings and loan holding company or Southern Region association making the acquisition has its principal place of business permit such Southern Region savings and loan holding company or Southern Region association to be acquired by the North Carolina savings and loan holding company or North Carolina association sought to be acquired;
- (3) The Administrator determines either that the North Carolina association sought to be acquired has been in existence and continuously operating for more than five years or that all of the association subsidiaries of the North Carolina savings and loan holding company sought to be acquired have been in existence and continuously operating for more than five years: Provided, that the Administrator may approve the acquisition by a Southern Region savings and loan holding company or Southern Region association of all or substantially all of the shares of an association organized solely for the purpose of facilitating the acquisition of an association that has been in existence and continuously operating as an association for more than five years; and
- (4) The Administrator makes the acquisition subject to any conditions, restrictions, requirements or other limitations that would apply to the acquisition by a North Carolina savings and loan holding company or North Carolina association of an association or savings and loan holding company in the state where the Southern Region savings and loan holding company or Southern Region association making the acquisition

has its principal place of business but that would not apply to the acquisition of an association or savings and loan holding company in such state by an association or a savings and loan holding company all the association subsidiaries of which are located in that state;

- (5) With respect to acquisitions involving the merger or consolidation of two associations resulting in a Southern Region association, the application includes a business plan extending for an initial period of at least three years from the date of the acquisition which shall be renewed thereafter for as long as may be required by the Administrator. The association may not deviate without the prior written approval of the Administrator from the business plan which shall address such matters as the Administrator may deem appropriate for the protection of the depositors and members of the acquired North Carolina association and the general public. The business plan shall address, without limitation:
 - a. insurance of depositors' accounts.
 - b. limitation of services and activities to those permitted under this Chapter to North Carolina associations.
 - c. conversion of corporate form or other fundamental changes.
 - d. closing, selling or divesting any or all North Carolina branches.
 - e. protection of the voting rights of North Carolina members.

(b) A Southern Region savings and loan holding company or Southern Region association that has a North Carolina association subsidiary (other than a North Carolina association subsidiary that was acquired either pursuant to Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m)), or comparable provisions in North Carolina law, or in the regular course of securing or collecting a debt previously contracted in good faith) may acquire any North Carolina association or North Carolina savings and loan holding company with the approval of the Administrator. The Southern Region savings and loan holding company shall submit to the Administrator an application for approval of such acquisition, which application shall be approved only if:

- (1) The Administrator determines either that the North Carolina association sought to be acquired has been in existence and continuously operating for more than five years or that all of the association subsidiaries of the North Carolina savings and loan holding company sought to be acquired have been in existence and continuously operating for more than five years: Provided, that the Administrator may approve the acquisition by a Southern Region savings and loan holding company or Southern Region association of all or substantially all of the shares of an association organized solely for the purpose of facilitating the acquisition of an association that has been in existence and continuously operating as an association for more than five years; and
- (2) The Administrator makes the acquisition subject to any conditions, restrictions, requirements or other limitations that would apply to the acquisition by the North Carolina savings and loan holding company or North Carolina association of an association or savings and loan holding company in the State where the Southern Region savings and loan holding company or Southern Region association making the acquisition has its principal place of business but that would not apply to the

acquisition of an association or savings and loan holding company in such state by a savings and loan holding company all the association subsidiaries of which are located in that state.

- (3) With respect to acquisitions involving the merger or consolidation of two associations resulting in a Southern Region association, the application includes a business plan extending for an initial period of at least three years from the date of the acquisition which shall be renewed thereafter for as long as may be required by the Administrator. The association may not deviate without the prior written approval of the Administrator from the business plan which shall address such matters as the Administrator may deem appropriate for the protection of the depositors and members of the acquired North Carolina association and the general public. The business plan shall address, without limitation:
- a. insurance of depositors' accounts.
 - b. limitation of services and activities to those permitted under this Chapter to North Carolina associations.
 - c. conversion of corporate form or other fundamental changes.
 - d. closing, selling or divesting any or all North Carolina branches.
 - e. protection of the voting rights of North Carolina members.

(c) The Administrator shall rule on any application submitted under this section not later than 90 days following the date of submission of a complete application. If the Administrator fails to rule on the application within the requisite 90-day period, the failure to rule shall be deemed a final decision of the Administrator approving the application.

“§ 54B-48.4. Exceptions.—A North Carolina savings and loan holding company, a North Carolina association, a Southern Region savings and loan holding company, or a Southern Region association may acquire or control, and shall not cease to be a North Carolina savings and loan holding company, a North Carolina association, a Southern Region savings and loan holding company, or a Southern Region association, as the case may be, by virtue of its acquisition or control of:

- (1) An association having branch offices in a state not within the region, if such association has been acquired pursuant to the provisions of Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m)), or comparable provisions of state law;
- (2) An association which is not a Southern Region association if such association has been acquired in the regular course of securing or collecting a debt previously contracted in good faith, and if the association or savings and loan holding company divests the securities or assets acquired within two years of the date of acquisition. A North Carolina association, a North Carolina savings and loan holding company, or a Southern Region association may retain these interests for up to three additional periods of one year if the Administrator determines that the required divestiture would create undue financial difficulties for that association or savings and loan holding company.

“§ 54B-48.5. Prohibitions.—(a) Except as may be expressly permitted by federal law, no savings and loan holding company that is not either a North Carolina savings and loan holding company or a Southern Region savings and loan holding company shall acquire a North Carolina savings and loan holding company or a North Carolina association.

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(b) Except as required by federal law, a North Carolina savings and loan holding company or a Southern Region savings and loan holding company that ceases to be a North Carolina savings and loan holding company or a Southern Region savings and loan holding company shall as soon as practicable and, in all events, within one year after such event divest itself of control of all North Carolina savings and loan holding companies and all North Carolina associations: Provided, however, that such divestiture shall not be required if the North Carolina savings and loan holding company or the Southern Region savings and loan holding company ceases to be a North Carolina savings and loan holding company or a Southern Region savings and loan holding company, as the case may be, because of an increase in the deposits held by association subsidiaries not located within the region and if such increase is not the result of the acquisition of an association or savings and loan holding company. Provided further that nothing in this Article shall be construed to permit interstate branching by associations nor to require the divestiture of a North Carolina association or a North Carolina savings and loan holding company by a savings and loan holding company which acquired its subsidiary North Carolina association or North Carolina savings and loan holding company prior to the effective date of this Article. Nor shall anything in this Article be construed to prohibit any savings and loan holding company which has acquired a North Carolina association or North Carolina savings and loan holding company prior to the effective date of this Article from acquiring additional North Carolina associations or North Carolina savings and loan holding companies. Nor shall anything in this Article be construed to limit the authority of the Administrator pursuant to G.S. 54B-44.

“§ 54B-48.6. Applicable laws; rules and regulations.—(a) Any North Carolina association that is controlled by a savings and loan holding company that is not a North Carolina savings and loan holding company shall be subject to all laws of this State and all rules and regulations under such laws that are applicable to North Carolina associations that are controlled by North Carolina savings and loan holding companies.

(b) The Administrator may promulgate rules, including the imposition of a reasonable application and administration fee, to implement and effectuate the provisions of this Article.

“§ 54B-48.7. Appeal of Administrator's decision.—Notwithstanding any other provision of law, any aggrieved party in a proceeding under G.S. 54B-48.3 or G.S. 54B-48.4(2) may, within 30 days after final decision of the Administrator and by written notice to the Administrator, appeal directly to the North Carolina Court of Appeals for judicial review on the record. In the event of an appeal, the Administrator shall certify the record to the Clerk of the Court of Appeal within 30 days after filing of the appeal.

“§ 54B-48.8. Periodic reports; interstate agreements.—(a) The administrator may from time to time require reports under oath in such scope and detail as he may reasonably determine of each Southern Region savings and loan holding company or Southern Region association subject to this Article for the purpose of assuring continuing compliance with the provisions of this Article.

(b) The Administrator may enter into cooperative agreements with other savings and loan regulatory authorities for the periodic examination of any Southern Region savings and loan holding company or Southern Region

association that has a North Carolina association subsidiary and may accept reports of examination and other records from such authorities in lieu of conducting its own examinations. The Administrator may enter into joint actions with other savings and loan regulatory authorities having concurrent jurisdiction over any Southern Region savings and loan holding company or Southern Region association that has a North Carolina association subsidiary or may take such actions independently to carry out his responsibilities under this Chapter and assure compliance with the provisions of this Article and the applicable laws of this State.

“§ 54B-48.9. Enforcement.—The Administrator shall have the power to enforce the provisions of this Article, including the divestiture requirement of G.S. 54B-48.5(b), through an action in any court of this State or any other state or in any court of the United States for the purpose of obtaining an appropriate remedy for violation of any provision of this Article, including such criminal penalties as are contemplated by G.S. 54B-66.”

Sec. 2. G.S. 7A-29(a) is amended by inserting the words “the Administrator of savings and loans pursuant to Article 3A of Chapter 54B of the General Statutes,” after the words “the North Carolina Utilities Commission”.

Sec. 3. Nonseverability. It is the purpose of this Article to facilitate orderly development of thrift organizations that have branch offices in more than one state within the Southern Region. It is not the purpose of this Article to authorize acquisitions of North Carolina savings and loan holding companies or North Carolina associations by savings and loan holding companies that do not have their principal place of business in this State on any basis other than as expressly provided in this Article. Therefore, if any portion of this Article pertaining to the terms and conditions for and limitations upon acquisition of North Carolina savings and loan holding companies and North Carolina associations by savings and loan holding companies that do not have their principal place of business in this State is determined to be invalid for any reason by a final nonappealable order of any North Carolina or federal court of competent jurisdiction, then this entire Article shall be null and void in its entirety and shall be of no further force or effect from the effective date of such order: Provided, however, that any transaction that has been lawfully consummated pursuant to this Article prior to a determination of invalidity shall be unaffected by such determination.

Sec. 4. G.S. 54B-261(c) is rewritten to read as follows:

“(c) A savings and loan holding company may invest in any investment authorized by its Board of Directors, except as limited by regulations promulgated by the Administrator pursuant to this Article.”

Sec. 5. A new subsection (d) is added to G.S. 54B-261 to read as follows:

“(d) Any entity which controls a state stock association, or acquires control of a state stock association, is a savings and loan holding company.”

Sec. 6. Article 11 of Chapter 54B of the General Statutes is repealed.

Sec. 7. Section 6 of this act is effective upon ratification. Sections 1 through 5 shall become effective on the earlier of:

(1) the date on which legislation becomes effective in one of the states listed in G.S. 54B-48.2(16) which authorizes regional acquisitions of savings and loan associations and savings and loan holding companies on a reciprocal basis

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and which applies to savings and loan associations and savings and loan holding companies in North Carolina; or

(2) July 1, 1986.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

S. B. 845 CHAPTER 1088

AN ACT TO AMEND THE PRESENT LAW RELATING TO THE THEFT OF CABLE TELEVISION SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-118.5 is amended and rewritten in its entirety to read:

“§ 14-118.5. Theft of cable television service.—(a) Any person, firm or corporation who, after the effective date of this act, knowingly and willfully attaches or maintains an electronic, mechanical or other connection to any cable, wire, decoder, converter, device or equipment of a cable television system or removes, tampers with, modifies or alters any cable, wire, decoder, converter, device or equipment of a cable television system for the purpose of intercepting or receiving any programming or service transmitted by such cable television system which person, firm or corporation is not authorized by the cable television system to receive, is guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding 30 days, or both. Each unauthorized connection, attachment, removal, modification or alteration shall constitute a separate violation.

(b) Any person, firm or corporation who knowingly and willfully, without the authorization of a cable television system, distributes, sells, attempts to sell or possesses for sale in North Carolina any converter, decoder, device, or kit, that is designed to decode or descramble any encoded or scrambled signal transmitted by such cable television system, is guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment up to six months, or both. The term ‘encoded or scrambled signal’ shall include any signal or transmission that is not intended to produce an intelligible program or service without the aid of a decoder, descrambler, filter, trap or other electronic or mechanical device.

(c) Any cable television system may institute a civil action to enjoin and restrain any violation of this section, and in addition, such cable television system shall be entitled to civil damages in the following amounts:

(1) For each violation of subsection (a), three hundred dollars (\$300.00) or three times the amount of actual damages, if any, sustained by the plaintiff, whichever amount is greater.

(2) For each violation of subsection (b), one thousand dollars (\$1,000) or three times the amount of actual damages, if any, sustained by the plaintiff, whichever amount is greater.

(d) It is not a necessary prerequisite to a civil action instituted pursuant to this section that the plaintiff has suffered or will suffer actual damages.

(e) Proof that any equipment, cable, wire, decoder, converter or device of a cable television system was modified, removed, altered, tampered with or connected without the consent of such cable system in violation of this section shall be prima facie evidence that such action was taken knowingly and

willfully by the person or persons in whose name the cable system's equipment, cable, wire, decoder, converter or device is installed or the person or persons regularly receiving the benefits of cable services resulting from such unauthorized modification, removal, alteration, tampering or connection.

(f) The receipt, decoding or converting of a signal from the air by the use of a satellite dish or antenna shall not constitute a violation of this section.

(g) Cable television systems may refuse to provide service to anyone who violates subsection (a) of this section whether or not the alleged violator has been prosecuted thereunder."

Sec. 2. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 110 CHAPTER 1089

AN ACT TO AUTHORIZE THE LEGISLATIVE COMMITTEE ON NEW OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS TO ASSESS PROPOSALS TO LICENSE NEW OCCUPATIONS AND PROFESSIONS ACCORDING TO CRITERIA AND PROCEDURES SPECIFIED HEREIN.

The General Assembly of North Carolina enacts:

Section 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 17.

"Review of Proposals to License New Occupations and Professions.

"§ 120-124. Findings and purpose.—The General Assembly finds that the number of licensed occupations and professions has substantially increased and that licensing boards have occasionally been established without a determination that the police power of the State is reasonably exercised by the establishment of such licensing boards.

The General Assembly further finds that by establishing criteria and procedures for reviewing proposed occupational and professional boards, it will be better able to evaluate the need for new licensing boards. To this end it is the purpose of this Article to assure that no new licensing board shall be established unless the following criteria are met:

(1) The unregulated practice of the profession or occupation can substantially harm or endanger the public health, safety or welfare, and the potential for such harm is recognizable and not remote or dependent upon tenuous argument;

(2) The profession or occupation possesses qualities that distinguish it from ordinary labor;

(3) Practice of the profession or occupation requires specialized skill or training;

(4) A substantial majority of the public does not have the knowledge or experience to evaluate whether the practitioner is competent; and

(5) The public is not effectively protected by other means.

"§ 120-125. Definitions.—As used in this Chapter:

(1) 'Assessment report' means a report that initially describes the need for and the fiscal impact of a new licensing board.

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(2) 'Committee' means the Legislative Committee on New Occupational and Professional Licensing Boards.

(3) 'Licensing' means a regulatory system that requires persons to meet certain qualifications before they are eligible to engage in a particular occupation or profession.

(4) 'Supplementary report' means a report that assesses the changes proposed by an amendment or committee substitute which would alter a legislative proposal to create a new occupational licensing board and for which an assessment report has already been prepared.

"§ 120-126. Assessment of proposed occupational and professional licensing boards.—(a) Every legislative proposal introduced in the General Assembly after the effective date of this act proposing (1) the establishment of an occupational or professional licensing board, or (2) a study of the need to establish an occupational or professional licensing board shall have attached to it, at the time of its consideration by any committee of either house of the General Assembly, an assessment report which shall describe the need for the proposed occupational or professional licensing board. Assessment reports shall be attached to the original of each legislative proposal to establish a new licensing board which is reported favorably by any committee of either house of the General Assembly, but shall be separate therefrom, shall be clearly designated as assessment reports, and shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board.

(b) If the proposal to establish an occupational or professional licensing board is first contained in a legislative proposal, the sponsor shall present a copy of the legislative proposal to the Legislative Committee on New Occupational and Professional Licensing Boards which shall prepare an assessment report. If the proposal is not in the form of a legislative proposal, the person or organization seeking to establish an occupational or professional licensing board may obtain an assessment report from the Committee only if a legislator requests such report.

(c) Assessment reports shall be prepared and returned to the requesting legislator as soon as possible and not later than 60 days after the Committee receives the request, provided that if the volume of requests makes preparation of all such reports impossible within that time, the Committee may extend the time for preparation of any report to a maximum of 90 days from the time the request is received. Supplementary reports shall be prepared and returned to the appropriate committee chairman or sponsor or requesting legislator not later than 30 days after the Committee receives the request. The Committee shall not consider any request until it has received the information required by G.S. 120-127(a).

(d) The Committee shall make all reports, including supplementary reports, available to all members of the General Assembly. At least one copy of all preliminary and final reports shall be kept in the Legislative Library for public inspection.

(e) All assessment reports shall contain an evaluation of the proposed licensing board in terms of clarity, conciseness, conformity with existing statutes and general principles of administrative law, and specificity of the delegation of authority to promulgate rules and set fees.

"§ 120-127. Procedure and criteria to be used in preparation of assessment reports.—(a) The Legislative Committee on New Occupational and Professional

Licensing Boards shall conduct an evaluation of the need for each new licensing board.

If a legislator or other person or organization is seeking to establish a new occupational or professional licensing board, that legislator or other person or organization shall have the burden of demonstrating to the Committee that the criteria listed in G.S. 120-124 are met, and shall furnish the Committee additional information to show:

- (1) That the unregulated practice of the occupation or profession may be hazardous to the public health, safety, or welfare;
- (2) The approximate number of people who would be regulated and the number of persons who are likely to utilize the services of the occupation or profession;
- (3) That the occupational or professional group has an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service;
- (4) That other states have regulatory provisions similar to the one proposed;
- (5) How the public will benefit from regulation of the occupation or profession;
- (6) How the occupation or profession will be regulated, including the qualifications and disciplinary procedures to be applied to practitioners;
- (7) The purpose of the proposed regulation and whether there has been any public support for licensure of the profession or occupation;
- (8) That no other licensing board regulates similar or parallel functions;
- (9) That the educational requirements for licensure, if any, are fully justified; and
- (10) Any other information the Committee considers relevant to the proposed regulatory plan.

The Committee shall adopt an appropriate form for use by applicants. The form shall contain a list of questions to be completed by the person or organization requesting the assessment report and a copy of this Article.

(b) In preparing an assessment report with respect to a legislative proposal to establish a new occupational or professional licensing board the Committee shall consider, but shall not be limited to considering, the factors listed in subsection (a). The report shall analyze the effects of the new licensing board and shall include the Committee's recommendation on whether the General Assembly should approve the new licensing board. The Committee shall make specific findings in its report on each of the following:

- (1) Whether the unregulated practice of the profession or occupation can substantially harm or endanger the public health, safety or welfare, and whether the potential for such harm is recognizable and not remote or dependent upon tenuous argument;
- (2) Whether the profession or occupation possesses qualities that distinguish it from ordinary labor;
- (3) Whether practice of the profession or occupation requires specialized skill or training;
- (4) Whether a substantial majority of the public has the knowledge or experience to evaluate the practitioner's competence; and
- (5) Whether the public can be effectively protected by other means.

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(c) The Committee shall furnish a preliminary copy of the final assessment report to the requesting legislator at least 10 days before the final report is released. The requesting legislator shall have an opportunity to respond to the Committee draft. The Committee shall consider all such responses in the preparation of its final report.

(d) If the Committee recommends against licensure, it may suggest alternative measures for regulation of the occupation or profession.

“§ 120-128. Hearings by Legislative Committee on New Occupational and Professional Licensing Boards; final action by Committee.—(a) Before submitting an assessment report the Committee may, in its discretion, hold one or more public hearings in the Legislative building.

(b) When assessment reports involving the same or similar occupations or professions are pending before the Committee, the Committee may consider jointly any or all of the matters to be addressed by the reports.

“§ 120-129. Legislative Committee on New Occupational and Professional Licensing Boards.—(a) The Legislative Committee on New Occupational and Professional Licensing Boards is created to consist of a Chairman and eight members, four Senators appointed by the President of the Senate, four members of the House of Representatives appointed by the Speaker of the House and the Chairman to be appointed as provided herein. The President of the Senate shall appoint a Senator to be Chairman of the Committee who shall serve until the convening of the General Assembly in 1985.

(b) The Speaker of the House shall appoint a member of the House of Representatives as Chairman upon the convening of the General Assembly in 1985 who shall serve until the organization of the General Assembly in 1987. Thereafter the President of the Senate and the Speaker of the House shall alternate the appointment of the Chairman to serve during each biennial session of the General Assembly. The Chairman may vote only in the event of a tie vote. The members of the Committee shall likewise serve biennial terms. If the Office of Chairman or any member shall become vacant, the vacancy shall be filled for the unexpired term by the authority making the initial appointment. Five members shall constitute a quorum of the Committee.

(c) The Chairman and members of the Committee, while serving on the business of the Committee, are performing legislative duties and are entitled to the subsistence and travel allowances to which members of the General Assembly are entitled when performing legislative duties if and when authorized by the Legislative Services Commission, and may meet with such approval whenever there is a request for an assessment report. The Committee is authorized to use the facilities of the State Legislative Building and Legislative Office Building. Clerical and professional staff shall be provided by the Legislative Services Commission.”

Sec. 2. This act shall become effective August 1, 1984, and shall expire January 1, 1987.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1793

CHAPTER 1090

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAY FOR NONBETTERMENT COSTS OF CERTAIN WATER LINE RELOCATIONS IN THE HIGHWAY RIGHT-OF-WAY.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

“§ 136-27.1. Relocation of water lines of municipalities and nonprofit water corporations and associations.—The Department of Transportation shall pay the nonbetterment cost for the relocation of water lines, located within the existing State highway right-of-way, which are necessary to be relocated for a State highway improvement project and which are owned by: (1) a municipality with a population of 5,000 or less according to the latest decennial census; or (2) a nonprofit water association or corporation.”

Sec. 2. This act shall apply to State highway improvement projects let to contract after the effective date of this act.

Sec. 3. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

S. B. 842

CHAPTER 1091

AN ACT TO APPOINT A PERSON TO PUBLIC OFFICE UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public office upon the recommendation of the President Pro Tempore of the Senate; and

Whereas, the President Pro Tempore of the Senate has made a recommendation; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. James B. Stegall of Mecklenburg County is appointed to the Private Protective Services Board for a term to expire on June 30, 1986.

Sec. 2. The appointment made by this act is for a term to begin on July 1, 1984.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

S. B. 894

CHAPTER 1092

**AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON
THE RECOMMENDATION OF THE PRESIDENT OF THE SENATE.**

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President of the Senate; and

Whereas, the President of the Senate has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Bill Walker of Buncombe County is appointed to the State Board of Contract Appeals for a term to expire June 30, 1986.

Sec. 2. Estelle C. Lee of New Hanover County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term to expire June 30, 1986.

Sec. 3. W. Henry Copley of Durham County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System to fill the unexpired term of M. L. Byrd expiring June 30, 1985.

Sec. 4. William S. Mason of Robeson County is appointed to the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan to fill the unexpired term of E. Eugene Boyer expiring June 30, 1985.

Sec. 5. Appointments made by this act shall begin July 1, 1984.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1788

CHAPTER 1093

**AN ACT REGARDING FEDERAL ASSISTANCE IN THE PURCHASE OF
NAVIGATIONAL AIDS FOR NORTH CAROLINA AIRPORTS.**

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 63-71(a) is amended by adding the following immediately before the period:

“, including joint acquisition and installation of aviation related equipment in accordance with the procurement procedures of the Federal Aviation Administration where such method of acquisition would result in a cost savings to the Department”.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1789 CHAPTER 1094

AN ACT REGARDING LIMITATIONS ON STATE FINANCIAL AID TO AIRPORTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 63-68(5) is rewritten to read:

“(5) Notwithstanding the provisions of this section, the Department of Transportation may allow loans and grants of State funds up to eighty percent (80%) of the nonfederal share of the total cost of the development of new or unpaved publicly owned airports identified in the North Carolina Airport System Plan, provided that such funding shall be limited to land acquisition, site preparation, basic runway, taxiway, and apron system construction, together with associated lighting and navigational aids, and construction of the primary airport access road. Electronic navigational aids, terminal buildings, access taxiways, and other items eligible for State airport aid at the rate of fifty percent (50%) of the nonfederal share of project cost shall not be eligible for the foregoing eighty percent (80%) State funding, even though constructed as part of initial airport development.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1791 CHAPTER 1095

AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO RESCHEDULE THE HOUSE PRIMARY AND ELECTION IN DISTRICT 8 AS REDISTRICTED.

Whereas, the 1984 Extra Session of the General Assembly in Chapter 1 of the Session Laws redistricted former House District 8 into new House districts 8 and 70; and

Whereas, in Chapter 2, Section 5 of the Session Laws, Extra Session of 1984, the General Assembly provided that if approval had not been received by May 17, 1984, then the primary election date shall be set by the 1983 Regular Session of the General Assembly when next it reconvened; and

Whereas, approval had to come from the U.S. Department of Justice under Section 5 of the Voting Rights Act of 1965 and by the Federal District Court under a court order under Section 2 of the Voting Rights Act of 1965; and

Whereas, on May 11, 1984, the U.S. Justice Department requested more information, which the State provided; and

Whereas, on June 21, 1984, the U.S. Department of Justice requested more information, beginning the 60-day review period again; and

Whereas, it is unknown at this time whether the legislative redistricting plan will be approved by the U.S. Justice Department and the federal court or whether the federal court will order into effect its own plan, either on an interim or permanent basis; and

Whereas, former House District 8 overlaps with Senate Districts 2, 6, and 10 and there are primaries on July 17, 1984, in all three Senate districts and there may be second primaries in Districts 2 and 6 on August 14, 1984, but this will not be known until July 24, 1984; and

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Whereas, the schedule for primaries in redistricted House District 8 must be compatible with both Senate primaries and with the November 6, 1984, general election; and

Whereas, the delays in approval of the plan may require a change in the date of the General Election for former House District 8 and the new district or districts created from it; and

Whereas, the complexity of the above makes it impractical for the General Assembly to formulate a primary and election schedule for redistricted House District 8; and

Whereas, the State Board of Elections is more familiar with the procedural details and myriad scheduling requirements; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the State Board of Elections shall set a primary election schedule for former House District 8 as redistricted by Chapter 1, Session Laws, Extra Session of 1984, or as redistricted by a court of competent jurisdiction. Such power shall extend to all the districts so created from District 8 by the General Assembly or the court.

Sec. 2. In adopting such schedule, the State Board of Elections shall schedule the primary for August, September, October, or November of 1984.

Sec. 3. In adopting such schedule, the State Board of Elections shall provide a filing period of at least one week and filing shall open at 12:00 noon and close at 12:00 noon.

Sec. 4. In adopting such schedule, the State Board of Elections shall provide that the second primary if necessary be held either three, four, or five weeks after the primary.

Sec. 5. The State Board of Elections shall prepare and distribute to the Nash, Edgecombe and Wilson County Boards of Elections a Revised Primary and General Election Timetable - 1984, setting out the applicable filing period for candidates along with all other pertinent dates relative to the election timetable for elections rescheduled by this act.

Sec. 6. The State Board of Elections is hereby authorized, consistent with provisions in G.S. 163-188 other than the date of the canvass, to set the dates on which it shall conduct the canvass and issue its certification of the results of the 1984 primary elections rescheduled by this act and for the general election thereof.

Sec. 7. For the 1984 primary election only, G.S. 163-112 shall be applied by substituting "10 days" for "30 days" whenever it appears, insofar as the offices of North Carolina House of Representatives for districts reapportioned by the 1984 Extra Session of the General Assembly or by a court of competent jurisdiction are concerned.

Sec. 8. The State Board of Elections shall adopt regulations to implement this act. Adoption of such regulations is not subject to Chapter 150A of the General Statutes except as to filing, publication, and judicial review of the rules. The Board may make the rules effective immediately. In lieu of the notice requirements of G.S. 163-33(8), the State Board of Elections shall prescribe an abbreviated or different notice procedure of the primary and election. The State Board of Elections may modify the deadline for filing a petition in lieu of fee under G.S. 163-107.1.

Sec. 9. Absentee voting shall be allowed for any primaries and elections scheduled under this act, but the State Board of Elections is authorized to modify the beginning period for absentee voting to allow for the abbreviated election timetable and to coordinate absentee voting for the primary and general election in House District 8 as redistricted with absentee voting in other primaries and elections.

Sec. 10. Whenever in any apportionment plan for the North Carolina House of Representatives covered by this act a precinct is placed in two or more districts, then the county board of elections, with the approval of the State Board of Elections may, for the 1984 primary and general election:

- (1) Divide the precinct into two or more precincts.
- (2) Change precinct lines to place part or parts of the precinct with a precinct which has the same election district.
- (3) Keep the same precinct but ascertain either in advance or on the date of the primary or general election which district the voter resides in, and give the voter the ballots for the appropriate district. This may be accomplished by a paper ballot for the office even if a machine is used for other offices or other voters.
- (4) Provide some other procedure to ensure that each voter does not cast ballots in more than one district.

In adopting a procedure under this section, the Board shall attempt to use the method which is least disruptive to the voter, and any action to change precinct lines shall be taken in accordance with G.S. 163-28 except that notice shall be given not less than 20 days prior to the primary or general election instead of 20 days prior to the close of registration.

Sec. 11. In setting a primary schedule under this act, the State Board of Elections shall adopt a schedule that is administratively feasible while still allowing an adequate time for candidate filing and electioneering.

Sec. 12. If in adopting a primary schedule for districts under this act in accordance with the guidelines of Sections 2, 4, and 11 of this act, the State Board of Elections finds that it is administratively impossible to hold the general election in such districts on November 6, 1984, it may reschedule the general election in such districts to some date in December of 1984.

Sec. 13. Section 6 of Chapter 2, Session Laws, Extra Session of 1984 shall apply to the primary and election rescheduled by this act, and shall also apply if the redistricting is done by court order.

Sec. 14. The State Board of Elections may modify any schedule it sets under this act to meet any objections of the U.S. Department of Justice or the court.

Sec. 15. The Legislative Services Officer shall send a copy of this act to the Edgecombe, Nash, and Wilson County Boards of Elections.

Sec. 16. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1794

CHAPTER 1096

AN ACT TO PROVIDE COUNTIES MORE TIME TO PUBLISH A NOTICE ABOUT CERTAIN MINERAL RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-42.9 is amended by adding a new section to read:

“(f) This section applies to a county that failed to publish a notice as required by subsection (e) but that published a notice of this section in a newspaper having general circulation in the county once a week for four consecutive weeks prior to September 1, 1984. In applying this section to that county, however, the date ‘1984’ shall be substituted for the date ‘1983’ each time it appears in this section.”

Sec. 2. G.S. 1-42.9(b) is amended by deleting the period between the words “clear” and “of”.

Sec. 3. G.S. 1-42.9(c) is amended by deleting the word “releases” and substituting the word “leases”.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

H. B. 1513

CHAPTER 1097

AN ACT TO CHANGE THE STATE TAX STRUCTURE FOR COMMODITIES AND SERVICES PROVIDED BY CERTAIN UTILITIES TO ENABLE INDIVIDUALS TO DEDUCT THE TAXES ON THESE COMMODITIES AND SERVICES FROM THEIR FEDERAL INCOME.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-1 is amended by adding at the end thereof the following:

“It is the policy of this State that as many State taxes as possible be structured so that they are deductible for federal income tax purposes under the Internal Revenue Code.”

Sec. 2. G.S. 105-116 is amended as follows:

(1) by deleting the phrase “, or owning and/or operating a street transportation system for the transportation of freight for hire,” in subsection (a);

(2) by rewriting subdivision (a)(3) to read:

“(3) The total gross receipts from the commodities or services described in this section sold to a vendee subject to the tax levied by this section or to a joint agency established under Chapter 159B of the General Statutes or a municipality having an ownership share in a project established under that Chapter.”;

(3) by changing the colon following the word “section” in subsection (b) to a period and deleting the remainder of that subsection;

(4) by rewriting that part of subsection (c) preceding the words “special charges” to read:

“An annual franchise or privilege tax at the rates specified in this subsection is levied on the businesses listed in subsection (a). This tax is for the privilege of engaging in business in this State and is due and payable quarterly to the Secretary of Revenue when the report required by subsection (a) is filed. The

tax on a public sewerage company is at the rate of six percent (6%) of the total gross receipts of the company derived within the State. The tax on an electric power company or a gas company is at the rate of three and twenty-two hundredths percent (3.22%) of the total gross receipts derived within the State. The tax on water companies is at the rate of four percent (4%) of the total gross receipts derived within the State. All deductions allowed by this section shall first be subtracted from total gross receipts to determine the total taxable gross receipts.

The tax imposed by this section does not apply to"; and

(5) by rewriting the first paragraph of subsection (g) to read:

"The Secretary of Revenue shall determine the total gross receipts derived from the sale within each municipality of the commodities or services described in this section, except water and sewerage services, and shall distribute to each municipality an amount equal to a tax of three and nine hundredths percent (3.09%) of the gross receipts from sales within the municipality. In determining the amount to be distributed to a municipality pursuant to this subsection, gross receipts from sales within a municipality do not include receipts from sales of piped gas to a manufacturer for use as an ingredient or component part of a manufactured product."

Sec. 3. G.S. 105-120 is amended as follows:

(1) by deleting the phrase "six percent (6%)" in the first sentence of subsection (b) and substituting the phrase "three and twenty-two hundredths percent (3.22%)"; and

(2) by deleting the phrase "three percent (3%)" in the first sentence of subsection (d) and substituting the phrase "three and nine hundredths percent (3.09%)".

Sec. 4. The second sentence of G.S. 105-164.3(20) is amended by deleting the phrase "electricity, gas or".

Sec. 5. G.S. 105-164.3 is amended by adding a new subdivision to read:

"(25) 'Utility' means an electric power company, a gas company, or a telephone company that is subject to a privilege tax based on gross receipts under G.S. 105-116 or G.S. 105-120, or a municipality that sells electric power."

Sec. 6. G.S. 105-164.4 is amended by inserting a new subdivision between subdivisions (4) and (5) to read:

"(4a) At the rate of three percent (3%) of the gross receipts derived by a utility from sales of electricity, piped natural gas, or intrastate telephone service. A person who operates a utility is considered a retailer under this Article."

Sec. 7. The first sentences of G.S. 105-164.14(b) and (c) are each amended by inserting between the words "Article" and "by" the phrase " , except under G.S. 105-164.4(4a)".

Sec. 8. G.S. 105-164.21 is amended as follows:

(1) by designating the current language of the section as subsection (a);

(2) by deleting the word "Every" in the first sentence of that section and substituting the phrase "Except as provided in subsection (b), a"; and

(3) by adding a new subsection to read:

"(b) A utility may not deduct the discount provided in subsection (a) on sales of electricity, piped natural gas, or intrastate telephone service."

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Sec. 9. The first paragraph of G.S. 105-467 is amended by adding the following sentence at the end of the paragraph to read:

“The sales tax authorized by this Article does not apply to sales by a utility of electricity, piped natural gas, or intrastate telephone service.”

Sec. 10. The first paragraph of Section 4 of Chapter 1096 of the 1967 Session Laws is amended by adding the following sentence at the end to read:

“The taxes authorized by this division do not apply to sales by a utility of electricity, piped natural gas, or intrastate telephone service.”

Sec. 11. G.S. 159B-27 is amended as follows:

(1) by deleting the phrase “six percent (6%)” in subsection (b) and substituting the phrase “three and twenty-two hundredths percent (3.22%)”;

(2) by rewriting subsection (c) to read:

“(c) In lieu of an annual franchise or privilege tax, each joint agency shall pay to the State an amount equal to three and twenty-two hundredths percent (3.22%) of the gross receipts from sales of electric power or energy, less receipts from sales of electric power or energy to a vendee subject to tax under G.S. 105-116.”; and

(3) by deleting the phrase “three percent (3%)” each time it appears in subsection (d) and substituting the phrase “three and nine hundredths percent (3.09%)”.

Sec. 12. Division IV of Article 5 of Chapter 105 of the General Statutes is amended by adding a new section to read:

“§ 105-164.21A. Deduction for municipalities that sell electric power.—A municipality that pays the retail sales tax imposed by this Article on electricity may deduct from the amount of tax payable by the municipality an amount equal to three percent (3%) of the difference between its gross receipts from sales of electricity for the preceding quarter and the amount paid by the municipality for purchased power and related services during that quarter.”

Sec. 13. G.S. 105-164.4(1)c., d., and e. are each amended by deleting the phrase “Sales of fuels” or “Sales of fuel” and substituting the phrase “Sales of fuel, other than electricity or piped natural gas,”.

Sec. 14. G.S. 105-164.16 is amended by inserting a new sentence before the last sentence of that section to read:

“Taxes levied under G.S. 105-164.4(4a) are due and payable quarterly on or before the 30th day following the end of the calendar quarter in which the tax accrues.”

Sec. 15. G.S. 105-164.20 is amended as follows:

(1) by inserting between the words “retailer” and “taxable” in the first sentence of that section the phrase “, except a utility,”;

(2) by adding the following sentences at the end of that section to read:

“A utility shall report its sales on an accrual basis. A sale by a utility of electricity, piped natural gas, or intrastate telephone service is considered to accrue when the utility bills its customer for the sale.”

Sec. 16. G.S. 105-116(a) and G.S. 105-120(a) are each amended by adding a new sentence at the end of the subsection to read:

“Gross receipts shall be reported on an accrual basis.”

Sec. 17. This act shall become effective January 1, 1985, and shall apply to gross receipts earned from services and commodities provided on or after that

date and to sales of electricity, piped natural gas, or telephone service on or after that date.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

S. B. 430 CHAPTER 1098

**AN ACT CREATING A PROGRAM OF EARLY PAROLE FOR
NONDANGEROUS PRISONERS WHO CONSENT TO COMPLETE
SERVICE OF THEIR TERMS THROUGH COMMUNITY SERVICE.**

The General Assembly of North Carolina enacts:

Section 1. New subsections are added to G.S. 15A-1380.2 and to G.S. 15A-1371 to read as follows:

“(h) Community Service Parole. Notwithstanding the provisions of any other subsection herein, certain prisoners specified herein shall be eligible for community service parole, in the discretion of the Parole Commission.

Community service parole is early parole for the purpose of participation in a program of community service under the supervision of an intensive probation/parole officer, or a Community Penalties Program conducted under G.S. 143B-500 et seq., or a community service restitution program conducted under G.S. 143B-475(d). A parolee who is paroled under this subsection shall serve the remaining period of his active sentence by community service at the rate of one month's service for each 50 hours of community service completed, until at least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of his sentence imposed under G.S. 15A-1340.4 has been completed by such community service, at which time parole may be terminated.

The supervisory official or agency shall develop a program of community service work for parolees paroled under this subsection, and any substantial violation without just cause of the rules and regulations imposed by such supervising official or agency shall be grounds for revocation of parole.

Community service parole eligibility shall be available to a prisoner:

- (1) Who is serving his first active sentence the term of which exceeds one year; and
- (2) Who, in the opinion of the Parole Commission, is unlikely to engage in further criminal conduct; and
- (3) Who agrees to complete service of his sentence as herein specified; and
- (4) Who has served one-half of his minimum sentence (if he was sentenced prior to July 1, 1981), or one-fourth of a sentence imposed under G.S. 15A-1340.4.

Nothing herein is intended to create or shall be construed to create a right or entitlement to community service parole in any prisoner.”

Sec. 1.1. Nothing in this act shall obligate the General Assembly to appropriate additional funds.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 1796 CHAPTER 1099

AN ACT TO PUT NORTH CAROLINA IN COMPLIANCE WITH A
FEDERAL COURT DECISION CONCERNING STRAIGHT TICKET
VOTING.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, the State Board of Elections is authorized and directed to promulgate all needful rules to bring the State into compliance with the federal court order in civil action A-C-82-357 Western District of North Carolina, Asheville Division and may modify ballot formats, ballot instructions, and counting and tabulating procedures for such purpose. Such rules shall also apply to paper ballots.

Sec. 1.1. When a person voting in a general election marks the party circle of one party and either:

(1) marks the voting square of an individual candidate of another party; or

(2) writes in the name of a person under the name of a candidate of any other party;

then the ballot shall be counted as a vote for every candidate of the party whose circle has been marked except candidates of that party for an office where:

(1) an individual candidate of another party has been marked; or

(2) a name of a person has been written in under the name of a candidate of any other party;

and in such cases, no vote of that voter for that office shall be counted.

Sec. 1.2. Notwithstanding any other provision of law, the State Board of Elections is authorized and directed to promulgate all needful rules to comply with Section 1.1 of this act, including modifying ballot formats, ballot instructions, and counting and tabulating procedures for such purpose.

Sec. 2. Rules made under Section 1 of this act shall only apply to elections held before March 1, 1985. Sections 1.1 and 1.2 of this act shall become effective March 1, 1985, and apply to elections held on or after that date.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

S. B. 790 CHAPTER 1100

AN ACT TO CLARIFY THE PROCEDURES TO INSURE PAYMENT OF
CHILD SUPPORT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1344.1 is amended in subsection (a) after the word "probation" and before the comma by inserting the words: "or suspended sentence".

Sec. 2. G.S. 15A-1344.1 is further amended in subsection (d) by changing the period at the end of the subsection to a comma, and by adding after the comma the following: "or proceedings for activation of the suspended sentence, if the defendant is not on probation."

Sec. 3. This act is effective upon ratification and shall expire on June 1, 1985.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 1660 CHAPTER 1101

AN ACT TO MAKE TECHNICAL CHANGES TO THE SAFE ROADS ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(3a) is amended by deleting from the first sentence the word "chemical" that appears between the words "A" and "test".

Sec. 2. G.S. 20-4.01(32), as found in the 1983 Replacement Volume, is amended on line 3 by adding between the word "public" and the comma the words "for vehicular traffic".

Sec. 3. G.S. 20-13(a) is amended by deleting the second sentence of that subsection; and G.S. 20-4.01 is amended by adding a new subsection (31a) to read:

"(31a) Provisional Licensee. A person under the age of 18 years."

Sec. 4. G.S. 20-16(a)(8) is amended by deleting the following: "or has been convicted under G.S. 18B-302(e) or (f) of fraudulent use of a driver's license to obtain alcoholic beverages".

Sec. 5. G.S. 20-16.2(d) is amended by:

(a) Inserting between the second and third sentences the following: "The hearing officer may subpoena any witnesses or documents he deems necessary.";

(b) Adding between the fourth and the fifth sentences the following: "The hearing officer is authorized to administer oaths to witnesses appearing at the hearing."; and

(c) Substituting in the fifth sentence the words, "and must be" for the following: "under the provisions for hearings held under G.S. 20-16(d), except that the hearing is".

Sec. 6. G.S. 20-16.2(d) is amended by substituting for the seventh sentence the following: "If the Division finds that any of conditions (1), (2), (4), or (5) is not met, it must rescind the revocation. If it finds that condition (3) is alleged in the affidavit but is not met, it must order the revocation sustained if that is the only condition that is not met; in this instance subsection (d1) does not apply to that revocation."

Sec. 7. G.S. 20-16.2(e) is amended by deleting "10 years" in subdivisions (2) and (3) and substituting "seven years"; and by rewriting subdivision (1) to read:

"(1) At the time of the refusal he held either a valid driver's license or a license that had been expired for less than one year;"

Sec. 8. G.S. 20-16.2(i) is amended by:

(a) Rewriting the second sentence to read: "Upon this request, the officer must afford the person the opportunity to have a chemical analysis of his breath, if available, in accordance with the procedures required by G.S. 20-139.1(b)."; and

(b) Rewriting the fourth sentence to read: "Before the chemical analysis is made, the person must confirm his request in writing and he must be notified:

(1) That the test results will be admissible in evidence and may be used against him in any implied-consent offense that may arise;

(2) That his license will be revoked for at least 10 days if the test reveals an alcohol concentration of 0.10 or more; and

(3) That if he fails to comply fully with the test procedures, the officer may charge him with any offense for which the officer has probable cause, and if he is charged with an implied-consent offense, his refusal to submit to the testing required as a result of that charge would result in revocation of his driver's license."

Sec. 9. G.S. 20-16.4(b) is amended by inserting between the second and third sentences the following: "The hearing officer may subpoena any witnesses or documents he deems necessary."

Sec. 10. G.S. 20-16.4(c) is amended by inserting between the caption and the first sentence the following: "The hearing officer is authorized to administer oaths to witnesses appearing at the hearing."; and in the first sentence by substituting the words, "and must be" for the following: "under the provisions for hearings held under G.S. 20-16(d), except that the hearing is".

Sec. 11. G.S. 20-16.5(a)(5) is amended by adding at the end the following: "A person who is validly licensed but who is unable to locate his license card may file an affidavit with the clerk setting out facts that indicate that he is unable to locate his license card and that he is validly licensed; the filing of the affidavit constitutes a surrender of the person's license."

Sec. 12. G.S. 20-16.5(b)(1) is amended in the first line by substituting "charging" for "law-enforcement".

Sec. 13. G.S. 20-16.5 is amended by adding a new subsection to read:

"(b1) Precharge Test Results as Basis for Revocation. Notwithstanding the provisions of subsection (b), a person's driver's license is subject to revocation under this section if:

- (1) He requests a precharge chemical analysis pursuant to G.S. 20-16.2(i); and
- (2) He has, at any relevant time after the driving, an alcohol concentration of 0.10 or more; and
- (3) He is charged with an implied-consent offense."

Sec. 14. G.S. 20-16.5(c) is amended by rewriting the second sentence to read: "If the person has refused to submit to a chemical analysis, a copy of the affidavit to be submitted to the Division under G.S. 20-16.2(c) may be substituted for the revocation report if it contains the information required by this section."

Sec. 15. G.S. 20-16.5(e) is amended by adding at the end the following: "If within five working days of the effective date of the order, the person does not surrender his license or demonstrate that he is not currently licensed, the clerk must immediately issue a pick-up order. The pick-up order under this subsection may be issued by the clerk to any law enforcement officer to pick up the person's driver's license in accordance with G.S. 20-29 as if the pick-up order had been issued by the Division."

Sec. 16. G.S. 20-16.5(g) is amended:

(a) In the second sentence by substituting "within 10 days of the effective date of the revocation" for "at any later time";

(b) By adding at the end of the subsection the following: "If the person requesting the hearing fails to appear at the hearing or any rescheduling thereof after having been properly notified, he forfeits his right to a hearing."; and

(c) By adding at the end of the seventh sentence the phrase "and the hearing must be limited to the grounds specified in the request".

Sec. 17. G.S. 20-16.5(h) is amended by adding at the end the following: "If the person's license is revoked under this section and under another section of this Chapter, the clerk must surrender the license to the Division if the revocation under this section can terminate before the other revocation; in such cases, the costs required by subsection (j) must still be paid before the revocation under this section is terminated."

Sec. 18. G.S. 20-19, as found in the 1983 Replacement, is amended:

(a) By rewriting lines 2 and 3 of subsection (d) to read: "G.S. 20-17 and the person has another offense involving impaired driving for which he has been convicted, which offense occurred within three years imme-";

(b) By rewriting lines 2 and 3 of subsection (e) to read: "G.S. 20-17 and the person has two or more previous offenses involving impaired driving for which he has been convicted, and the most recent offense"; and

(c) By adding a new subsection (j) to read:

"(j) The Division is authorized to issue amended revocation orders issued under subsections (d) or (e), if necessary because convictions do not respectively occur in the same order as offenses for which the license may be revoked under those subsections."

Sec. 18 A. G.S. 20-28 is amended by adding a new subsection (a1) to read:

"(a1) A person convicted under subsection (a) shall be punished as if he had been convicted of driving without a driver's license under G.S. 20-7 if he demonstrates to the court that:

1. At the time of the offense, his license was revoked solely under G.S. 20-16.5; and

2. a. The offense occurred more than 30 days after the effective date of a revocation order issued under G.S. 20-16.5(f) and the period of revocation was 30 days as provided under subdivision (3) of that subsection; or

b. The offense occurred more than 10 days after the effective date of a revocation order issued under any other provision of G.S. 20-16.5.

In addition, a person punished under this subsection shall be treated for driver's license and insurance rating purposes as if he had been convicted of driving without a license under G.S. 20-7, and the conviction report sent to the Division must indicate that the person is to be so treated."

Sec. 19. G.S. 20-28.2(a)(2) is amended by substituting "G.S. 20-16(a)(7)" for "G.S. 20-16(7)".

Sec. 20. G.S. 20-139.1 is amended by adding a new subsection to read:

"(b4) Introducing Routine Records Kept as Part of Breath-Testing Program. In civil and criminal proceedings, any party may introduce, without further authentication, Simulator logs and logs for other devices used to verify a breath-testing instrument, certificates and other records concerning the check of ampoules and of Simulator stock solution and the stock solution used in any other equilibration device, preventive maintenance records, and other records that are routinely kept concerning the maintenance and operation of breath-testing instruments. In a criminal case, however, this subsection does not authorize the State to introduce records to prove the results of a chemical analysis of the defendant or of any validation test of the instrument that is conducted during that chemical analysis."

Sec. 21. G.S. 20-179(c) is amended:

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(a) In both the second sentence and subdivision (1) by substituting “before” for “of” immediately after “years”;

(b) In subdivision (2) by adding immediately after the word “defendant” the words “at the time of the offense”; and

(c) In subdivision (3) by adding immediately after the word “driving” the words “at the time of the offense”.

Sec. 22. G.S. 20-179(d) is amended:

(a) By adding at the end the following: “Except for the factor in subdivision (5) the conduct constituting the aggravating factor must occur during the same transaction or occurrence as the impaired driving offense.”;

(b) In subdivision (6) by deleting the comma and the language after the word “apprehension”; and

(c) In subdivision (7) by deleting the comma and the words appearing after the word “limit.”

Sec. 23. G.S. 20-179(e) is amended:

(a) By adding at the end the following: “Except for the factors in subdivisions (4), (6) and (7), the conduct constituting the mitigating factor must occur during the same transaction or occurrence as the impaired driving offense.”;

(b) In subdivision (6) by substituting “the impaired driving offense for which he is being sentenced” for “impaired driving”; and

(c) In subdivision (4) by substituting “motor vehicle offense for which at least four points are assigned under G.S. 20-16 or for which the person’s license is subject to revocation” for “serious traffic violation”.

Sec. 24. G.S. 20-179 is amended by adding two subsections to read:

“(f1) Aider and Abettor Punishment. Notwithstanding any other provisions of this section, a person convicted of impaired driving under G.S. 20-138.1 under the common law concept of aiding and abetting is subject to Level Five punishment. The judge need not make any findings of grossly aggravating, aggravating, or mitigating factors in such cases.

(f2) Limit on Consolidation of Judgments. Except as provided in subsection (f1), in each charge of impaired driving for which there is a conviction the judge must determine if the sentencing factors described in subsections (c), (d) and (e) are applicable unless the impaired driving charge is consolidated with a charge carrying a greater punishment. Two or more impaired driving charges may not be consolidated for judgment.”

Sec. 25. G.S. 20-179(g), (h), (i), (j), and (k), as found in the 1983 Replacement Volume, are each amended by inserting in the third line immediately after “imprisonment” the words “that includes a minimum term” and on line 4 by inserting immediately after “and” the words “a maximum term of”.

Sec. 26. G.S. 20-179(k), as found in the 1983 Replacement Volume, is amended on line 12 by inserting immediately after “required” the word “by”.

Sec. 27. G.S. 20-179(l) is amended by substituting “; or” for the period at the end of subdivision (2) and by adding a new subdivision to read:

“(3) There is no alcohol and drug education traffic school within a reasonable distance of the defendant’s residence.”

Sec. 28. G.S. 20-179(o) is amended by rewriting the last sentence to read: “If the defendant proves by the preponderance of the evidence all three above

facts concerning the prior case, the conviction may not be used as a grossly aggravating or aggravating factor.”

Sec. 29. G.S. 20-179(p) is rewritten to read:

“(p) Limit on Amelioration of Punishment. For active terms of imprisonment imposed under this section:

- (1) The judge may not give credit to the defendant for the first 24 hours of time spent in incarceration pending trial.
- (2) The defendant must serve the mandatory minimum period of imprisonment and good or gain time credit may not be used to reduce that mandatory minimum period.
- (3) The defendant may not be released on parole unless he is otherwise eligible and has served the mandatory minimum period of imprisonment.

With respect to the minimum or specific term of imprisonment imposed as a condition of special probation under this section, the judge may not give credit to the defendant for the first 24 hours of time spent in incarceration pending trial.”

Sec. 30. G.S. 20-179.3(b) is amended by deleting “10 years” in subdivision (2) and substituting “seven years”; and by rewriting subdivision (1) to read:

- (1) At the time of the offense he held either a valid driver’s license or a license that had been expired for less than one year;”

Sec. 31. G.S. 20-179.3(d), as found in the 1983 Replacement Volume, is amended in line 2 by substituting “at any time after the day of” for “subsequent to”.

Sec. 32. G.S. 20-179.3 is amended as follows:

- (a) By rewriting subsection (f) to read:

“(f) Overall Provisions on Use of Privilege. Every limited driving privilege must restrict the applicant to essential driving related to the purposes listed in subsection (a), and any driving that is not related to those purposes is unlawful even though done at times and upon routes that may be authorized by the privilege. If the privilege is granted, driving related to emergency medical care is authorized at any time and without restriction as to routes, but all other driving must be for a purpose and done within the restrictions specified in the privilege.”;

- (b) By adding new subsection (f1) to read:

“(f1) Definition of ‘Standard Working Hours.’ Under this section, ‘standard working hours’ are 6:00 a.m. to 8:00 p.m. on Monday through Friday.”;

- (c) By rewriting subsection (g) to read:

“(g) Driving for Work-Related Purposes in Standard Working Hours. In a limited driving privilege, the court may authorize driving for work-related purposes during standard working hours without specifying the times and routes in which the driving must occur. If the applicant is not required to drive for essential work-related purposes except during standard working hours, the limited driving privilege must prohibit driving during nonstandard working hours unless the driving is for emergency medical care or is authorized by subsection (g2). The limited driving privilege must state the name and address of the applicant’s place of work or employer, and may include other information and restrictions applicable to work-related driving in the discretion of the court.”; and

(d) By adding new subsections (g1) and (g2) to read:

“(g1) Driving for Work-Related Purposes in Nonstandard Hours. If the applicant is required to drive during nonstandard working hours for an essential work-related purpose, he must present documentation of that fact before the judge may authorize him to drive for this purpose during those hours. If the applicant is self-employed, the documentation must be attached to or made a part of the limited driving privilege. If the judge determines that it is necessary for the applicant to drive during nonstandard hours for a work-related purpose, he may authorize the applicant to drive subject to these limitations:

- (1) If the applicant is required to drive to and from a specific place of work at regular times, the limited driving privilege must specify the general times and routes in which the applicant will be driving to and from work, and restrict driving to those times and routes.
- (2) If the applicant is required to drive to and from work at a specific place, but is unable to specify the times at which that driving will occur, the limited driving privilege must specify the general routes in which the applicant will be driving to and from work, and restrict the driving to those general routes.
- (3) If the applicant is required to drive to and from work at regular times but is unable to specify the places at which work is to be performed, the limited driving privilege must specify the general times and geographic boundaries in which the applicant will be driving, and restrict driving to those times and within those boundaries.
- (4) If the applicant can specify neither the times nor places in which he will be driving to and from work, or if he is required to drive during these nonstandard working hours as a condition of employment, the limited driving privilege must specify the geographic boundaries in which he will drive and restrict driving to that within those boundaries.

The limited driving privilege must state the name and address of the applicant's place of work or employer, and may include other information and restrictions applicable to work-related driving, in the discretion of the court.

(g2) Driving for Other than Work-Related Purposes. A limited driving privilege may not allow driving for maintenance of the household except during standard working hours, and the limited driving privilege may contain any additional restrictions on that driving, in the discretion of the court. The limited driving privilege must authorize driving essential to the completion of any community work assignments, course of instruction at an Alcohol and Drug Education Traffic School, or substance abuse assessment or treatment, to which the applicant is ordered by the court as a condition of probation for the impaired driving conviction. If this driving will occur during nonstandard working hours, the limited driving privilege must specify the same limitations required by subsection (g1) for work-related driving during those hours, and it must include or have attached to it the name and address of the Alcohol and Drug Education Traffic School, the community service coordinator, or mental health treatment facility to which the applicant is assigned. Driving for educational purposes other than the course of instruction at an Alcohol and Drug Education Traffic School is subject to the same limitations applicable to work related driving under subsections (g) and (g1).”

Sec. 33. G.S. 20-179.3(j) is amended in the third sentence by inserting between the words “with” and “violating” the words “driving while license revoked by”.

Sec. 34. G.S. 20-179.4(c) is amended by substituting for the second and third sentences the following: “That fee must be paid to the clerk of court in the county in which the person is convicted. The fee must be paid in full within two weeks unless the court, upon a showing of hardship by the person, allows him additional time to pay the fee. The person may not be required to pay the fee before he begins the community service unless the court specifically orders that he do so.”

Sec. 35. G.S. 20-179.4(e) is rewritten to read:

“(e) The coordinator must report to the court in which the community service was ordered a significant violation of the terms of the probation judgment related to community service. In such cases, the court must conduct a hearing to determine if there is a willful failure to comply. If the court determines there is a willful failure to pay the prescribed fee or to complete the work as ordered by the coordinator within the applicable time limits, the court must revoke any limited driving privilege issued in the impaired driving case, and in addition may take any further action authorized by Article 82 of General Statutes Chapter 15A for violation of a condition of probation.”

Sec. 36. G.S. 20-179(n) is amended by deleting the last sentence.

Sec. 37. Section 32 of this act is effective upon ratification: Provided that a judge authorized to issue a limited driving privilege under G.S. 20-179.3(d) is authorized, upon application of a holder of a limited driving privilege who has been convicted of the offense of impaired driving under G.S. 20-138.1, to modify that limited driving privilege in accordance with G.S. 20-179.3, as amended by Section 32 of this act.

Sec. 38. Sections 3, 8, 13, 16, 22, 23, 34, 35, and 36 of this act shall become effective October 1, 1984. Except as provided in Section 37 of this act, the remaining sections of this act are effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

S. B. 900 CHAPTER 1102

AN ACT TO CORRECT AN ERROR IN A LOCAL ACT CONCERNING THE TOWN OF LIBERTY.

The General Assembly of North Carolina enacts:

Section 1. Section 10(b)(1) of the Charter of the Town of Liberty, being Chapter 579, Session Laws of 1981, as amended by Chapter 1015, Session Laws of 1983, is amended by deleting “Valdese”, and inserting in lieu thereof “Liberty”.

Sec. 2. This act shall become effective from and after June 28, 1984.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 1567

CHAPTER 1103

AN ACT TO ENACT THE ELEMENTARY AND SECONDARY SCHOOL REFORM ACT OF 1984.

The General Assembly of North Carolina enacts:

Section 1. This act may be referred to as the "Elementary and Secondary School Reform Act of 1984."

Sec. 2. G.S. 115C-81(a) is amended by deleting the first paragraph and substituting the following:

"Standard Course of Study. It is the policy of the State of North Carolina to insure a quality education to every child residing in North Carolina. To this end, the General Assembly directs the State Board of Education to develop a standard course of study to be offered to every child in North Carolina public schools and to submit the proposed standard course of study to the General Assembly by October 15, 1984.

The standard course of study shall reflect a rigorous academic course of study stressing mastery of integrated knowledge based on mastery of competencies in the basic skill areas rather than the study of isolated disciplines. To this end, the State Board of Education is directed to undertake a statewide audit of current curricula and to refine the curricula as required to comply with this policy. The standard course of study:

1. shall stress mastery of integrated knowledge;
2. should provide students with the specific competencies needed to gain employment or to continue their education;
3. should provide students with the skills necessary to cope with contemporary society;
4. shall contain a vocational education component designed to meet the State's and local anticipated career training needs;
5. shall provide for a program of continuous learning based upon the individual child's need, interest, and stages of development, so that the program has a nongraded structure of organization;
6. shall set forth what subjects shall be taught in each grade, and outline the basal and supplementary books on each subject to be used in each grade;
7. shall include a core curriculum for all students plus additional elective curriculum choices to meet the varied needs and interests of students;
8. shall establish a minimum length of the instructional day;
9. shall prescribe standards for student performance and promotion and may consider appropriate levels at which remediation should begin; and
10. shall describe appropriate class sizes for each course required by the standard course of study; staffing levels to support the standard course of study, and may include minimum staffing for schools, regardless of size, where such schools are determined to be essential to serve pupils located in isolated geographic areas; minimum facility requirements for the standard course of study; minimum material requirements for the standard course of study; and such other information the Board finds necessary to enable the General Assembly to allocate appropriate resources to implement the plan."

Sec. 3. The second paragraph of G.S. 115C-271 is rewritten to read:

"It is the policy of the State of North Carolina that the superintendents of each of the several school administrative units be hired solely at the discretion of the local boards of education and that a candidate for superintendent of a

local school administrative unit must have been, at least, a principal in a North Carolina public school or have equivalent experience as prescribed by the State Board of Education and have other minimum credentials, educational prerequisites and experience requirements as the State Board of Education shall prescribe. The State Board of Education is directed to promulgate prerequisites for candidacy for superintendent not later than January 1, 1985.”

Sec. 4. G.S. 115C-284 is amended by adding a new subsection to read:

“(d1) It is the policy of the State of North Carolina that, subsequent to the adoption of a system of classroom teacher differentiation and prerequisites to candidacy for principal, a classroom teacher must have attained at least the second level of differentiation, have at least four years of classroom teaching experience, and possess, at least, a Masters Degree in Education Administration. This subsection shall not apply to educational personnel certified as of July 1, 1984.”

Sec. 5. The State Board of Education shall develop and recommend to the General Assembly by March 1, 1986, a quality assurance program for all administrators, similar to the programs for beginning and experienced teachers, in order to provide principals and superintendents with opportunities to develop effective management skills. In the development of this recommendation, the State Board of Education shall consult with local boards of education, on a continuous and systematic basis, through a process designed by the State Board, to assure participation on the part of a number of local boards of various sizes throughout the State. In addition, the State Board shall consult with and/or employ such public and private agencies, organizations and professional organizations as it deems necessary to accomplish this policy.

Sec. 6. G.S. 115C-296 is amended by designating the present section as subsection (a) and adding the following subsections (b) and (c) to read:

“(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the State Board of Education shall submit to the General Assembly not later than November 1, 1984, a plan to promote this policy. The State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs.

(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall

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be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.”

Sec. 7. The State Board of Education may recommend to the General Assembly a program of expanded on-the-job training for public school employees. This recommendation may include individual training goals, the level of funding and a mechanism to evaluate the results of the training efforts.

Sec. 8. G.S. 115C-302 is amended by adding a new subsection (e) to read:

“(e) It is the policy of the State of North Carolina to enhance the teaching profession by providing teachers with career opportunities that do not remove them from the classroom; to encourage the development and implementation of a professional salary schedule that complements the system of differentiation; to have salaries of professional educators in elementary and secondary schools based upon performance, degree attained, differentiation and the needs of the local school administrative unit; and to begin, in the school year beginning in 1986, a differential salary system based upon performance, differentiation, local availability of classroom teachers, geographical location of the employing local school administrative unit and such other factors as the local board of education shall deem necessary.

Performance shall be measured by standardized evaluations which are routinely administered pursuant to G.S. 115C-326 by competent and trained administrators who have themselves demonstrated meritorious performance in the classroom. Differentiation shall be based upon superior performance over a period of time plus other responsibilities. Needs of the local school administrative unit over and above the standard course of study shall be defined by the local board of education exclusively funded from revenues provided at the discretion of the board of county commissioners or from other local funds under the control of the local board of education.

Each salary may include a local variable component, determined locally and based upon the needs and condition of the local school administrative unit. This local variable component shall be paid from local revenue.”

Sec. 9. G.S. 115C-315(b) is amended by adding a new paragraph at the end thereof to read:

“It is the policy of the State of North Carolina to encourage and provide for the most efficient and cost-effective method of meeting the needs of local school administrative units for noncertified support personnel. To this end, the State Board of Education shall recommend to the General Assembly by November 1, 1984, a system using factors and formulas to determine the total number of noncertified support personnel allotted to local school administrative units. The recommended system for allotting noncertified support personnel shall include the proposed State's funding obligation for these positions and shall be developed in consultation with school-based support personnel or their representatives.”

Sec. 10. G.S. 115C-326 is amended by adding a new subsection (c) to read:

“(c) The State Board of Education shall recommend to the General Assembly by December 1, 1986, a program to remedy deficiencies and difficulties revealed through the evaluation process required by this section and to develop new skills on the part of classroom teachers.”

Sec. 11. Part 3, of Article 22 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-326.1. Differentiation of classroom teachers.—(a) It is the policy of the State of North Carolina to encourage differentiation of classroom teachers. The State Board of Education shall consult with local boards of education, on a continuous and systematic basis through a process designed by the State Board to assure participation on the part of a number of local boards of various sizes throughout the State. In addition, the State Board shall consult with such other public and private agencies, organizations and professional organizations as it deems necessary to accomplish this policy. After the consultation process, the State Board shall adopt a policy defining at least five categories of differentiated staffing for classroom teachers.

The State Board may pilot test this career growth program for classroom teachers in at least one school administrative unit in each of the eight educational districts of the State during the 1985-86 school year and shall recommend a system of differentiation to be applied consistently throughout the State beginning in the 1986-87 school year. This recommendation shall be submitted to the General Assembly on or before March 1, 1986.

(b) Criteria for differentiation shall include performance and may include such other criteria as the State Board of Education deems necessary; such as degree obtained, number of subjects taught, number of classes taught, number of students taught in a school day and time in service.

(c) The State Board of Education, after consultation with local boards of education, shall develop such personnel policies as are required to ensure a coherent progression through the system of differentiation by those classroom teachers who elect to participate in the system of differentiation. The State Board shall develop personnel policies which prevent imbalances at any level of differentiation. If there is evidence of an imbalance or abnormality in the distribution of performance evaluations administered pursuant to G.S. 115C-326 and/or classroom teacher differentiations created and administered pursuant to this section, the State Board of Education shall be empowered to review performance evaluation and staffing pattern of a local school administrative unit to ensure reasonable distribution of performance evaluations and classroom teacher differentiations.

(d) The State Board of Education shall give consideration to methods of enhancing the quality of continuing education programs for currently certified teachers, and may include a sabbatical leave for professional improvement.

(e) Notwithstanding the above, teachers employed under the system of employment for public school teachers, G.S. 115C-325, in effect prior to ratification of this act, shall be afforded the opportunity to elect to continue under the system of employment provided in G.S. 115C-325 and continuing under the salary schedule in existence at that time. They shall have the alternative of electing to change their conditions of employment to come within the system outlined in this section. This election shall be made on or before signing employment contracts for the 1987-88 school year. Employees whose initial contracts are for the 1986-87 or subsequent school years shall be employed under the employment system contained in this section."

Sec. 12. G.S. 115C-408 is rewritten to read:

"§ 115C-408. Funds under control of the State Board of Education.—(a) It is the policy of the State of North Carolina to create a public school

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system that graduates good citizens with the skills demanded in the marketplace, and the skills necessary to cope with contemporary society, using State, local and other funds in the most cost-effective manner. The Board shall have general supervision and administration of the educational funds provided by the State and federal governments, except those mentioned in Section 7 of Article IX of the State Constitution, and also excepting such local funds as may be provided by a county, city, or district.

(b) To insure a quality education for every child in North Carolina, and to assure that the necessary resources are provided, it is the policy of the State of North Carolina to provide from State revenue sources the instructional expenses for current operations of the public school system as defined in the standard course of study.

It is the policy of the State of North Carolina that the facilities requirements for a public education system will be met by county governments.

It is the intent of the 1983 General Assembly to further clarify and delineate the specific financial responsibilities for the public schools to be borne by State and local governments."

Sec. 13. Article 32A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-472. State policy.—It is the policy of the State of North Carolina to encourage entry into the teaching profession by those who are prepared to teach in those areas where teachers are most needed. To this end, the State Board of Education shall recommend to the General Assembly by November 1, 1984, a method of providing loan and scholarship assistance to prospective teachers in areas of anticipated shortage.

This recommendation shall include, at least, the anticipated needs, the level of funding and a mechanism to evaluate the results of the program."

Sec. 14. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 665

CHAPTER 1104

AN ACT TO AMEND THE CORPORATION INCOME TAX ACT TO PROVIDE FOR SOLAR TAX CREDITS FOR CORPORATIONS ENGAGED IN SERVICE AS WELL AS MANUFACTURING BUSINESSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-130.32 is rewritten to read as follows:

"§ 105-130.32. Credit against corporate income tax for installation of solar equipment for the production of industrial or process heat.—(a) Any corporation that constructs or installs solar equipment for the production of heat in the manufacturing or service processes of its business located in this State shall be allowed a credit against the tax imposed by this Division equal to twenty percent (20%) of the installation and equipment costs of the solar equipment. The credit allowed under this section may not exceed eight thousand dollars (\$8,000) for any single installation. This credit shall not be allowed to the extent that any of the costs of the system were provided by federal, State, or local grants. To secure the credit allowed by this section, the taxpayer must own or control the business at the time the solar equipment is installed. The credit

allowed by this section may not exceed the amount of the tax imposed by this Division for the taxable year reduced by the sum of all credits allowable under this Division, except payments of tax made by or on behalf of the taxpayer.

(b) As used in this section, 'solar equipment' means equipment and materials designed to collect, store, transport, or control energy derived directly from the sun."

Sec. 2. This act shall become effective for tax years beginning on and after January 1, 1984. Nothing herein shall be construed to limit or repeal the existing G.S. 105-130.32 as it applies to tax years previous to January 1, 1984.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 666 CHAPTER 1105

AN ACT TO AMEND THE INDIVIDUAL INCOME TAX ACT TO PROVIDE FOR SOLAR TAX CREDITS FOR INDIVIDUALS' SERVICE AS WELL AS MANUFACTURING BUSINESSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-151.8 is rewritten to read as follows:

"§ 105-151.8. Credit against personal income tax for installation of solar equipment for the production of industrial or process heat.—(a) Any person who constructs or installs solar equipment for the production of heat in the manufacturing or service processes of his business located in this State shall be allowed a credit against the tax imposed by this Division equal to twenty percent (20%) of the installation and equipment costs of the solar equipment. The credit allowed under this section may not exceed eight thousand dollars (\$8,000) for any single installation. This credit shall not be allowed to the extent that any of the costs of the system were provided by federal, State, or local grants. To secure the credit allowed by this section, the taxpayer must own or control the business at the time the solar equipment is installed. The credit allowed by this section may not exceed the amount of the tax imposed by this Division for the taxable year reduced by the sum of all credits allowable under this Division, except payment of tax made by or on behalf of the taxpayer. In no case shall a tax credit be allowed both under the provisions of this section and G.S. 105-151.2.

(b) In the case of property owned by the entirety, where both spouses are required to file North Carolina income tax returns, each spouse may claim one half of the credit allowed by this section or one spouse may claim the entire credit allowed by this section by agreement with the other spouse, provided both spouses were living together at the end of the taxable year and file their separate returns for the taxable year on the combined form. Where only one spouse is required to file a North Carolina income tax return, such spouse may claim the credit allowed by this section.

(c) As used in this section, 'solar equipment' means equipment and materials designed to collect, store, transport, or control energy derived directly from the sun."

Sec. 2. This act shall become effective for the tax years beginning on and after January 1, 1984. Nothing herein shall be construed to limit or repeal the existing G.S. 105-151.8 as it applies to tax years previous to January 1, 1984.

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In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 1413 CHAPTER 1106

AN ACT TO PROHIBIT STATE EMPLOYEES FROM RECEIVING STATE RETIREMENT BENEFITS WHILE EMPLOYED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-24(5)c and G.S. 135-3(8)c are rewritten to read:

"c. Should a beneficiary who retired on an early or service retirement allowance be reemployed by an employer participating in the Retirement System on a permanent full-time, part-time, temporary, or on fee-for-service basis, whether contractual or otherwise, the retirement allowance shall be suspended if the beneficiary receives or earns any of the following:

1. Salary or fees or both in excess of one thousand five hundred dollars (\$1,500) per month;
2. Salary or fees or both in excess of thirteen thousand five hundred dollars (\$13,500) during any consecutive 12 calendar months;
3. Salary or fees or both during any consecutive 12 calendar months, which is greater than fifty percent (50%) of the reported compensation during the 12 months of service preceding the effective date of retirement; or
4. Salary or fees or both during any month, which when added to the retirement allowance at retirement exceeds the monthly compensation earned immediately prior to retirement, if reemployed by the same employer within 90 days of the effective date of retirement.

The suspension of the retirement allowance shall be effective as of the first day of the month in which the beneficiary meets the conditions set forth in conditions 1 or 4 of this paragraph and effective as of the first day of the next succeeding month following the month in which the beneficiary meets the conditions set forth in conditions 2 or 3 of this paragraph. The retirement allowance shall be reinstated the month following termination of reemployment or the month following the month in which the conditions set forth in this paragraph are no longer met. The Board of Trustees may adjust the monetary limits in this paragraph by an amount equivalent to any across-the-board salary increase granted to employees of the State by the General Assembly. Each employer shall report information monthly to the Board of Trustees on forms provided by the Board on each reemployed beneficiary sufficient for the effective enforcement of this paragraph. Notwithstanding the foregoing, any beneficiary may irrevocably elect to recommence membership in the Retirement System immediately upon being restored to service, whereupon the retirement allowance shall cease."

Sec. 2. G.S. 128-24(5)d and G.S. 135-3(8)d are rewritten to read:

"d. A beneficiary whose retirement allowance is suspended in accordance with the provisions of paragraph c and who is restored to service shall become a member of the Retirement System and shall contribute thereafter as allowed by law at the uniform contribution payable by all members.

Upon his subsequent retirement, he shall be paid a retirement allowance determined as follows:

1. For a member who earns at least three years' membership service after restoration to service, the retirement allowance shall be computed on

the basis of his compensation and service before and after the period of prior retirement without restriction; provided, that if the prior allowance was based on a social security leveling payment option, the allowance shall be adjusted actuarially for the difference between the amount received under the optional payment and what would have been paid if the retirement allowance had been paid without optional modification.

2. For a member who does not earn three years' membership service after restoration to service, the retirement allowance shall be equal to the sum of the retirement allowance to which he would have been entitled had he not been restored to service, without modification of the election of an optional allowance previously made, and the retirement allowance that results from service earned since being restored to service; provided, that if the prior retirement allowance was based on a social security leveling payment option, the prior allowance shall be adjusted actuarially for the difference between the amount that would have been paid for each month had the payment not been suspended and what would have been paid if the retirement allowance had been paid without optional modification."

Sec. 3. G.S. 135-71 is amended by adding a new subsection (c) to read:

"(c) Notwithstanding any other provision in this Chapter, the retirement allowance of a justice or judge shall not be affected by the compensation received as an emergency justice or judge."

Sec. 4. G.S. 135-3(8) is amended by adding paragraph e to read:

"e. Any beneficiary who retired on an early or service retirement allowance as an employee of any State department, agency or institution under the Law Enforcement Officers' Retirement System and becomes employed as an employee by a State department, agency, or institution as an employer participating in the Retirement System shall become subject to the provisions of G.S. 135-3(8)c and G.S. 135-3(8)d on and after January 1, 1989."

Sec. 5. This act is effective September 1, 1985, but shall not apply to agreements entered into before the effective date of this act.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 1754 CHAPTER 1107

AN ACT TO REGULATE RAFFLES.

The General Assembly of North Carolina enacts:

Section 1. The words "and raffles" are deleted from the catch line of G.S. 14-309.5.

Sec. 2. G.S. 14-309.5, 14-309.6, 14-309.7, 14-309.11, and 14-309.12 are amended by deleting the words "raffle or" each time they appear.

Sec. 3. G.S. 14-309.5 and G.S. 14-309.11 are amended by deleting the words "raffles and" each time they appear.

Sec. 4. G.S. 14-309.5, 14-309.7, and 14-309.13 are amended by deleting the words "or raffle" each time they appear.

Sec. 5. G.S. 14-309.6(3) is repealed.

Sec. 6. G.S. 14-309.7, 14-309.8, and 14-309.9 are amended by deleting the words "or raffles" each time they appear.

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Sec. 7. G.S. 14-309.8 is amended by deleting the following sentence:
“Raffles shall be limited to one per month per organization per county.”

Sec. 8. G.S. 14-309.9(b) is repealed.

Sec. 9. G.S. 14-309.10 and G.S. 14-309.11 are amended by deleting the words “raffles or” each time they appear.

Sec. 10. G.S. 14-309.14 is amended by deleting the words: “nor shall it apply to any raffle held in conjunction with a convention or other meeting open only to members of the exempt organization, their spouses, and their children”.

Sec. 11. Part 2 of Article 37 of Chapter 14 of the General Statutes is amended by adding a new section to read:

“§ 14-309.15. Raffles.—(a) It is lawful for any nonprofit organization or association, recognized by the Department of Revenue as tax-exempt pursuant to G.S. 105-130.11(a), to conduct raffles in accordance with this section. Any person who conducts a raffle in violation of any provision of this section shall be guilty of a misdemeanor under G.S. 14-292 and shall be punished in accordance with G.S. 14-3. Upon conviction that person shall not conduct a raffle for a period of one year. It is lawful to participate in a raffle conducted pursuant to this section. It shall not constitute a violation of State law to advertise a raffle conducted in accordance with this section. A raffle conducted pursuant to this section is not ‘gambling’.

(b) For purposes of this section ‘raffle’ means a game in which the prize is won by random drawing of the name or number of one or more persons purchasing chances.

(c) Raffles shall be limited to two per nonprofit organization per year.

(d) The maximum cash prize that may be offered or paid for any one raffle is one thousand dollars (\$1,000) and if merchandise is used as a prize, and it is not redeemable for cash, the maximum fair market value of that prize may be twenty-five thousand dollars (\$25,000). No real property may be offered as a prize in a raffle.

(e) Raffles shall not be conducted in conjunction with bingo.

(f) As used in this subsection, ‘net proceeds of a raffle’ means the receipts less the cost of prizes awarded. No less than ninety percent (90%) of the net proceeds of a raffle shall be used by the nonprofit organization or association for charitable, religious, educational, civic, or other nonprofit purposes. None of the net proceeds of the raffle may be used to pay any person to conduct the raffle, or to rent a building where the tickets are received or sold or the drawing is conducted.”

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

S. B. 634 CHAPTER 1108

**AN ACT REGARDING CONTINUANCE OF FORECLOSURE HEARINGS
WHEN ALL PARTIES HAVE NOT BEEN PROPERLY SERVED.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 45-21.16(a) is amended by adding a new paragraph at the end to read:

"If all parties are not served in time to hold the hearing on the date stated in the notice of hearing, the clerk shall order it continued. All notices already served remain effective; when the mortgagee or trustee has satisfied the notice requirements of this section, the clerk shall notify all parties of the date to which the hearing has been continued. The clerk shall notify any party who has not received actual notice of the date to which the hearing has been continued by sending the notice by first class mail to his last known address."

Sec. 2. G.S. 45-21.16(c) is amended by adding a new subdivision to read:

"(11) That the hearing may be held on a date later than that stated in the notice and that the party will be notified of any change in the hearing date."

Sec. 3. This act shall become effective October 1, 1984.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 1551 CHAPTER 1109

**AN ACT TO APPROPRIATE FUNDS TO THE JUDICIAL DEPARTMENT
AND THE ADMINISTRATIVE OFFICE OF THE COURTS.**

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Judicial Department the sum of eighty-five thousand dollars (\$85,000) for fiscal year 1984-85 to continue the Mecklenburg County pilot program requiring mediation of disputes over child custody and visitation.

Sec. 2. There is appropriated from the General Fund to the Judicial Department for fiscal year 1984-85 the following amounts for salaries and benefits for the following new positions:

- | | | |
|-----|--|------------|
| (a) | Four superior court
judges added by Section 4
of this act | \$ 209,804 |
| (b) | Four court reporters
added by Section 7
of this act | \$ 55,168 |
| (c) | Four district court
judges added by Section 5
of this act | \$ 256,812 |
| (d) | Seven magistrates
added by Section 8
of this act | \$ 105,434 |
| (e) | Four assistant district
attorneys added by Section 4.1
of this act | \$ 154,076 |
| (f) | 53 deputy clerks
of superior court added | |

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by Section 6 of this act	\$ 765,645
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Sec. 2.1. There is appropriated from the General Fund to the Judicial Department for fiscal year 1984-85 the sum of seventy-two thousand dollars (\$72,000) for the increase in expense allowance provided by Section 2.2 of this act.

Sec. 2.2. G.S. 7A-44(a) is amended by deleting “five thousand five hundred dollars (\$5,500)”, and inserting in lieu thereof “six thousand five hundred dollars (\$6,500)”.

Sec. 3. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1984-85 the following amounts for the following purposes:

- | | | |
|-----|---|--------------|
| (a) | Equipment for clerk of court accounting system to upgrade program | \$ 600,000 |
| (b) | Expansion of court information system (mainframe, peripherals, and software) | \$ 1,700,000 |
| (c) | Update filing systems in offices of clerks of court | \$ 153,785 |
| (d) | Fund clerical positions until June 30, 1985, for indigency screening program under Section 7 of 1983 Session Laws Chapter 881 | \$ 46,500 |

Sec. 4. G.S. 7A-41 is amended in the table so that the total numbers of resident judges for the indicated judicial districts read:

"Judicial District	No. of Resident Judges
1	2
9	2
18	4
30	2."

Sec. 4.1. G.S. 7A-41 is amended in the table so that the total numbers of full-time assistant district attorneys for the indicated judicial districts read:

“Judicial District	No. of Full-Time Asst. District Attorneys
2	4
12	12
17B	3
18	14.”

Sec. 5. G.S. 7A-133 is amended in the table so that the numbers of district court judges for the indicated judicial districts read:

District	Judges
2	3
12	6
21	6
26	11."

Sec. 6. There are established 53 new positions of deputy clerk of superior court, to be allocated among the State's counties by the Administrative Officer of the Courts pursuant to the formula developed under Section 9 of 1983 Session Laws Chapter 881.

Sec. 7. There are established four new positions of court reporter, to be appointed in accordance with the provisions of G.S. 7A-95(e).

Sec. 8. There are established seven new positions of magistrate, to be appointed in accordance with the provisions of G.S. 7A-171.

Sec. 9. Article 12 of General Statutes Chapter 7A is amended by adding a new section to read:

“§ 7A-113. Bookkeeping and accounting systems equipment.—Notwithstanding the provisions of G.S. 147-64.6(10), proposed changes in the kinds of bookkeeping and accounting systems equipment employed by the clerk of superior court shall be subject to review and approval by the Office of State Budget and Management. The Administrative Officer of the Courts shall, prior to implementing any change in the kinds of equipment, file with the Office of State Budget and Management a request for approval of the change, along with supporting information. If within 30 days of the filing of the request the Office of State Budget and Management has not disapproved the request, the request shall be deemed to be approved.”

Sec. 10. G.S. 143-2 is amended in the final paragraph by inserting between the word, “in” and the citation, “G.S. 143-25” the following: “G.S. 7A-113 or in”.

Sec. 11. G.S. 7A-10(c), 7A-18(b), 7A-44(b) and 7A-144(b) are each amended by rewriting the last sentence of those subsections to read:

“‘Service’ means service as a justice or judge of the General Court of Justice or as a member of the Utilities Commission.”

Sec. 12. G.S. 7A-455(b) is rewritten to read:

“(b) In all cases the court shall fix the money value of services rendered by assigned counsel or the public defender, and such sum plus any sums allowed by the court for other necessary expenses of representing the indigent person, shall be entered as a judgment in the office of the clerk of superior court, and shall constitute a lien as prescribed by the general law of the State applicable to judgments. Any reimbursement to the State as provided in subsection (a) of this section or any funds collected by reason of such judgment shall be deposited in the State Treasury and credited against the judgment; provided, that counsel fees ordered paid to the clerk on behalf of the appointed counsel pursuant to G.S. 15A-1343(e) may be paid directly to the counsel.”

Sec. 13. The superior and district court judgeships created by Sections 4 and 5 of this act shall be filled as follows:

(1) Initial appointments to each of the superior court judgeships shall be made by the Governor for a term to expire on December 31, 1986.

(2) Initial appointments to each of the district court judgeships shall be made by the Governor for a term to expire on the first Monday in December 1986.

Sec. 13.1. The first sentence of G.S. 7A-10(c), the first sentence of G.S. 7A-18(b), the first sentence of G.S. 7A-44(b), the first sentence of G.S. 7A-144(b), the first sentence of G.S. 7A-65(c), and the first sentence of the last paragraph of G.S. 7A-101 are each amended:

(1) by deleting “, and”, and inserting in lieu thereof “;” and

(2) by adding immediately before the period the following language: “, fourteen and four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of service”.

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Sec. 13.2. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of one hundred fifty-nine thousand six hundred ninety-eight dollars (\$159,698) to provide nine additional positions as follows:

- (1) A Supreme Court Director of Research,
- (2) One statistical analyst,
- (3) One purchasing agent,
- (4) One microfilm clerk,
- (5) Five secretarial positions to be allocated by the Director of the Administrative Office of the Courts to Judicial Officials.

Sec. 13.3. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1984-85 the sum of one hundred fifty-six thousand two hundred forty-seven dollars (\$156,247) to provide funding for the equalization of the salaries of employees resulting from Personnel Classification and pay studies.

Sec. 13.4. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1984-85 the sum of sixteen thousand dollars (\$16,000) as a grant-in-aid to the Buncombe County Dispute Settlement Center.

Sec. 13.5. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1984-85 the sum of three hundred fifty-nine thousand two hundred fifty dollars (\$359,250) to fund the longevity provided by Sec. 13.1 of this act.

Sec. 13.6. G.S. 7A-39.2(a), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from the sixth line thereof the words "annual salary" and inserting in lieu thereof the words "total annual compensation, including longevity, but excluding any payments in the nature of reimbursement for expenses,".

Sec. 13.7. G.S. 7A-39.2(b), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from the fourth line thereof the words "annual salary" and inserting in lieu thereof the words "total annual compensation, including longevity, but excluding any payments in the nature of reimbursement for expenses,".

Sec. 13.8. G.S. 7A-39.2(c), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from the fifth line thereof the words "annual salary" and inserting in lieu thereof the words "total annual compensation, including longevity, but excluding any payments in the nature of reimbursement for expenses,".

Sec. 13.9. G.S. 7A-39.2 is amended by adding thereto a new subsection to read:

"(d) For purposes of this section, the 'occupant or occupants of the office from which' the retired judge retired will be deemed to be a judge or justice of the Appellate Division holding the same office and with the same service as the retired judge had immediately prior to retirement."

Sec. 13.10. G.S. 7A-51(a), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from line 6 of that subsection the words "annual salary" and substituting in lieu thereof the words "total annual compensation, including longevity and additional payment for service as senior resident superior court judge, but excluding any payments in the nature of reimbursement for expenses or subsistence allowances,".

Sec. 13.11. G.S. 7A-51(b), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from line 6 of that subsection the words “annual salary” and substituting in lieu thereof the words “total annual compensation, including longevity and additional payment for service as senior resident superior court judge, but excluding any payments in the nature of reimbursement for expenses or subsistence allowances.”

Sec. 13.12. G.S. 7A-51(c) is amended by deleting from line 5 of that subsection the words “annual salary” and substituting in lieu thereof the words “total annual compensation, including longevity and additional payment for service as senior resident superior court judge, but excluding any payments in the nature of reimbursement for expenses or subsistence allowances.”

Sec. 13.13. G.S. 7A-51, as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by adding thereto a new subsection, to read:

“(e) For purposes of this section, the ‘occupant or occupants of the office from which’ the retired judge retired will be deemed to be a superior court judge holding the same office and with the same service as the retired judge had immediately prior to retirement.”

Sec. 13.14. G.S. 135-58(c), as it appears in the 1981 Replacement Volume 3B of the General Statutes, is amended by deleting from lines 2-3 of that subsection the words “initially payable upon the retirement of any member” and substituting in lieu thereof the words “payable at any time to a retired member”.

Sec. 13.15. G.S. 135-58, as it appears in the 1981 Replacement Volume 3B of the General Statutes is hereby amended by adding thereto a new subsection, to read:

“(e) Notwithstanding any other provision to the contrary, in no event will the retirement allowance payable at any time to a retired member who was a member of a previous system immediately prior to January 1, 1974, prior to any reduction of such allowance in accordance with G.S. 135-61, be greater than the retirement allowance to which he would have been entitled under the terms of such previous system if this Article had not been enacted or than the retirement allowance to which he would have been entitled under this Article if he had not been entitled to benefits under the terms of such previous system, whichever is larger.”

Sec. 13.16. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of thirty-six thousand dollars (\$36,000) to increase the employer’s contribution rate to the Uniform Judicial Retirement System by thirty-two one hundredths of a percent (.32%) of covered payroll of members.

Sec. 14. This act shall become effective July 1, 1984, except that Sections 4 and 7 shall become effective December 1, 1984.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

S. B. 724

CHAPTER 1110

AN ACT TO EFFECT SEVERAL PROVISIONS TO IMPROVE THE QUALITY, REDUCE THE OVERALL COSTS AND PROVIDE INSURANCE COVERAGE FOR THE TREATMENT OF CHEMICAL DEPENDENCY.

Whereas, Chapter 415, 1983 Session Laws, directed the Mental Health Study Commission to establish an Ad Hoc Committee of experts to study cost effectiveness issues in the treatment of alcoholism and drug abuse; and

Whereas, the Ad Hoc Committee completed its task and reported its findings to the Mental Health Study Commission which accepted and endorsed the findings and recommendations; and

Whereas, the findings are as follows:

(a) Chemical dependency is a term which describes the abuse and/or addiction of alcohol and other drugs.

(b) Chemical dependency is a distinct illness which can be medically defined and is not a symptom or sub-category of other diseases.

(c) The benefits of chemical dependency prevention and treatment have been proven to outweigh the costs of treatment.

(d) No one type of treatment or treatment setting has been proven to be more effective than any other type of treatment. Thus, the optimal treatment for a client is the lowest cost treatment that will produce positive results.

(e) Current licensing regulations for hospitals and substance abuse facilities provide no specific rules for chemical dependency treatment facilities or units.

(f) Current Certificate of Need requirements do not clearly distinguish what types of chemical dependency facilities require CON and which do not.

(g) Many self-insured employers provide coverage for chemical dependency treatment.

(h) Many group insurance policies exclude coverage of chemical dependency in part or full.

(i) Many group insurance policies which cover chemical dependency treatment will pay for that treatment only if delivered in the more expensive inpatient medical setting.

(j) Insurance carriers generally will reimburse only for services performed in State-licensed health care facilities; and

Whereas, the following statutory changes are required in order to effect improvements in the delivery, regulation, licensure and reimbursement of services for substance abusers and chemically dependent persons; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-176 is amended by adding a new subsection to read:

“(5a) ‘Chemical dependency treatment facility’ means a public or private facility, or unit in a facility, which is engaged in providing 24-hour a day treatment for chemical dependency or substance abuse. This treatment may include detoxification, administration of a therapeutic regimen for the treatment of chemically dependent or substance abusing persons and related services. The facility or unit may be:

- a. a unit within a general hospital or an attached or freestanding unit of a general hospital licensed under Article 5, Chapter 131E, of the General Statutes,
- b. a unit within a psychiatric hospital or an attached or freestanding unit of a psychiatric hospital licensed under Article 1A, Chapter 122, of the General Statutes,
- c. a freestanding facility specializing in treatment of persons who are substance abusers or chemically dependent licensed under Article 1A, Chapter 122, of the General Statutes;

and may be identified as 'chemical dependency, substance abuse, alcoholism, or drug abuse treatment units,' 'residential chemical dependency, substance abuse, alcoholism or drug abuse facilities,' 'social setting detoxification facilities' and 'medical detoxification facilities,' or by other names if the purpose is to provide treatment of chemically dependent or substance abusing persons, but shall not include halfway houses or recovery farms."

Sec. 2. G.S. 131E-176(9) is amended by adding the following language after the last semicolon in the fifth line:

"chemical dependency treatment facilities,".

Sec. 3. G.S. 131E-178(a) is amended by adding the following after the period in the second line:

"Provided that chemical dependency treatment facilities containing beds licensed as of June 30, 1984, shall not be required to obtain a certificate of need."

Sec. 4. G.S. 122-23.2(4) is rewritten to read:

"(4) 'Facility' means any person at one location whose primary purpose is to provide services for one or more minors or for two or more adults for the care, treatment, habilitation or rehabilitation of the mentally ill, the mentally retarded or substance abusers. When the services offered are provided to individuals who are mentally ill or mentally retarded, these services shall be day services offered to the same individual for a period of three hours or more during a 24-hour period, or residential services provided for 24 hours or more. When the services offered are provided to individuals who are substance abusers, these services shall include all outpatient services, day services offered to the same individual for a period of three hours or more during a 24-hour period, or residential services provided for 24 hours or more. Facilities for individuals who are substance abusers include chemical dependency treatment facilities."

Sec. 5. G.S. 122-23.3(a)(2) is amended by deleting the words "psychiatric services;" and substituting for those words the following: "special units for the mentally ill, mentally retarded or substance abusers;".

Sec. 6. G.S. 143B-147(a) is amended by adding a new subsection to read:

"(6) To adopt rules to establish the professional requirements for staff of licensed facilities for the mentally ill, mentally retarded and substance abusers. Such rules may require that one or more, but not all staff of a facility be either licensed or certified. If a facility has only one professional staff, such rules may require that that individual be licensed or certified. Such rules may include the recognition of professional certification boards for those professions not licensed or certified under other provisions of the General Statutes provided that the professional certification board evaluates applicants on a basis which protects the public health, safety or welfare."

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Sec. 7. Article 26 of General Statutes Chapter 58 is amended by adding a new section to read:

“§ 58-251.8. Coverage for chemical dependency treatment.—(a) As used in this section, the term ‘chemical dependency’ means the pathological use or abuse of alcohol or other drugs in a manner or to a degree that produces an impairment in personal, social or occupational functioning and which may, but need not, include a pattern of tolerance and withdrawal.

(b) Every insurer that writes a policy or contract of group or blanket health insurance or group or blanket accident and health insurance that is issued, renewed, or amended on or after January 1, 1985, shall offer to its insureds benefits for the necessary care and treatment of chemical dependency that are not less favorable than benefits for physical illness generally. Except as provided in subsection (c) of this section, benefits for treatment of chemical dependency shall be subject to the same durational limits, dollar limits, deductibles, and coinsurance factors as are benefits for physical illness generally.

(c) Every group policy or group contract of insurance that provides benefits for chemical dependency treatment and that provides total annual benefits for all illnesses in excess of six thousand dollars (\$6,000) is subject to the following conditions:

- (1) The policy or contract shall provide, for each 24-month period, a minimum benefit of six thousand dollars (\$6,000) for the necessary care and treatment of chemical dependency.
- (2) No more than one half of the policy’s or contract’s maximum benefits for chemical dependency for a 24-month period shall be paid for the necessary care and treatment of chemical dependency in any 30 consecutive day period.
- (3) The policy or contract shall provide a minimum benefit of twelve thousand dollars (\$12,000) for the necessary care and treatment of chemical dependency for the life of the policy or contract.

(d) Provisions for benefits for necessary care and treatment of chemical dependency in group policies or group contracts of insurance shall provide benefit payments for the following providers of necessary care and treatment of chemical dependency:

- (1) The following units of a general hospital licensed under Article 5 of General Statutes Chapter 131E:
 - a. chemical dependency units in facilities licensed after October 1, 1984;
 - b. medical units;
 - c. psychiatric units; and
- (2) The following facilities or programs licensed after July 1, 1984, under Article 1A of General Statutes Chapter 122:
 - a. chemical dependency units in psychiatric hospitals;
 - b. chemical dependency hospitals;
 - c. residential chemical dependency treatment facilities;
 - d. social setting detoxification facilities or programs;
 - e. medical detoxification facilities or programs; and
- (3) Duly licensed physicians and duly licensed practicing psychologists and certified professionals working under the direct supervision of such physicians or psychologists in facilities described in (1) and (2) above and

in day/night programs or outpatient treatment facilities licensed after July 1, 1984, under Article 1A of General Statutes Chapter 122.

Provided, however, that nothing in this subsection shall prohibit any policy or contract of insurance from requiring the most cost effective treatment setting to be utilized by the person undergoing necessary care and treatment for chemical dependency.

(e) Coverage for chemical dependency treatment as described in this section shall not be applicable to any group policy holder or group contract holder who rejects the coverage in writing.”

Sec. 8. Article 1 of General Statutes Chapter 57 is amended by adding a new section to read:

“§ 57-7.3. Coverage for chemical dependency treatment.—(a) As used in this section, the term ‘chemical dependency’ means the pathological use or abuse of alcohol or other drugs in a manner or to a degree that produces an impairment in personal, social, or occupational functioning and which may, but need not, include a pattern of tolerance and withdrawal.

(b) Every group insurance certificate or group subscriber contract under any hospital or medical plan governed by this Chapter that is issued, renewed, or amended on or after January 1, 1985, shall offer to its insureds benefits for the necessary care and treatment of chemical dependency that are not less favorable than benefits for physical illness generally. Except as provided in subsection (c) of this section, benefits for chemical dependency shall be subject to the same durational limits, dollar limits, deductibles, and coinsurance factors as are benefits for physical illness generally.

(c) Every group insurance certificate or group subscriber contract that provides benefits for chemical dependency treatment and that provides total annual benefits for all illnesses in excess of six thousand dollars (\$6,000) is subject to the following conditions:

(1) The certificate or contract shall provide, for each 24-month period, a minimum benefit of six thousand dollars (\$6,000) for the necessary care and treatment of chemical dependency.

(2) No more than one half of the certificate’s or contract’s maximum benefits for chemical dependency for a 24-month period shall be paid for the necessary care and treatment of chemical dependency in any 30 consecutive day period.

(3) The certificate or contract shall provide a minimum benefit of twelve thousand dollars (\$12,000) for the necessary care and treatment of chemical dependency for the life of the certificate or contract.

(d) Provisions for benefits for necessary care and treatment of chemical dependency in group certificates or group contracts shall provide for benefit payments for the following providers of necessary care and treatment of chemical dependency:

(1) The following units of a general hospital licensed under Article 5 of General Statutes Chapter 131E:

- a. chemical dependency units in facilities licensed after October 1, 1984;
- b. medical units;
- c. psychiatric units; and

(2) The following facilities or programs licensed after July 1, 1984, under Article 1A of General Statutes Chapter 122:

- a. chemical dependency units in psychiatric hospitals;

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- b. chemical dependency hospitals;
- c. residential chemical dependency treatment facilities;
- d. social setting detoxification facilities or programs;
- e. medical detoxification facilities or programs; and

(3) Duly licensed physicians and duly licensed

practicing psychologists and certified professionals working under the direct supervision of such physicians or psychologists in facilities described in (1) and (2) above and in day/night programs or outpatient treatment facilities licensed after July 1, 1984, under Article 1A of General Statutes Chapter 122.

Provided, however, that nothing in this subsection shall prohibit any certificate or contract from requiring the most cost effective treatment setting to be utilized by the person undergoing necessary care and treatment for chemical dependency.

(e) Coverage for chemical dependency treatment as described in this section shall not be applicable to any group certificate holder or group subscriber contract holder who rejects the coverage in writing."

Sec. 9. General Statutes Chapter 57B is amended by adding a new section to read:

"§ 57B-12.1. Coverage for chemical dependency treatment.—(a) As used in this section, the term 'chemical dependency' means the pathological use or abuse of alcohol or other drugs in a manner or to a degree that produces an impairment in personal, social or occupational functioning and which may, but need not, include a pattern of tolerance and withdrawal.

(b) On and after January 1, 1985, every health maintenance organization that writes a health care plan on a group basis and that is subject to this Chapter shall offer benefits for the necessary care and treatment of chemical dependency that are not less favorable than benefits under the health care plan generally. Except as provided in subsection (c) of this section, benefits for chemical dependency shall be subject to the same durational limits, dollar limits, deductibles, and coinsurance factors as are benefits under the health care plan generally.

(c) Every group health care plan that provides benefits for chemical dependency treatment and that provides total annual benefits for all illnesses in excess of six thousand dollars (\$6,000) is subject to the following conditions:

- (1) The plan shall provide, for each 24-month period, a minimum benefit of six thousand dollars (\$6,000) for the necessary care and treatment of chemical dependency.
- (2) No more than one half of the plan's maximum benefits for chemical dependency for a 24-month period shall be paid for the necessary care and treatment of chemical dependency in any 30 consecutive day period.
- (3) The plan shall provide a lifetime minimum benefit of twelve thousand dollars (\$12,000) for the necessary care and treatment of chemical dependency for each enrollee.

(d) Provisions for benefits for necessary care and treatment of chemical dependency in group health care plans shall provide for benefit payments for the following providers of necessary care and treatment of chemical dependency:

- (1) The following units of a general hospital licensed under Article 5 of General Statutes Chapter 131E:

- a. chemical dependency units in facilities licensed after October 1, 1984;
 - b. medical units;
 - c. psychiatric units; and
- (2) The following facilities or programs licensed after July 1, 1984, under Article 1A of General Statutes Chapter 122:
 - a. chemical dependency units in psychiatric hospitals;
 - b. chemical dependency hospitals;
 - c. residential chemical dependency treatment facilities;
 - d. social setting detoxification facilities or programs;
 - e. medical detoxification facilities or programs; and
- (3) Duly licensed physicians and duly licensed practicing psychologists and certified professionals working under the direct supervision of such physicians or psychologists in facilities described in (1) and (2) above and in day/night programs or outpatient treatment facilities licensed after July 1, 1984, under Article 1A of General Statutes Chapter 122.

Provided, however, that nothing in this subsection shall prohibit any plan from requiring the most cost effective treatment setting to be utilized by the person undergoing necessary care and treatment for chemical dependency.

(e) Coverage for chemical dependency treatment as described in this section shall not be applicable to any group that rejects the coverage in writing.

(f) Notwithstanding any other provision of this section or Chapter, any health maintenance organization subject to this Chapter that becomes a qualified health maintenance organization under Title XIII of the United States Public Health Service Act shall provide the benefits required under that federal Act, which shall be deemed to constitute compliance with the provisions of this section; and any health maintenance organization may provide that the benefits provided under this section must be obtained through providers affiliated with the health maintenance organization."

Sec. 10. G.S. 135-40.1(1) is recodified as G.S. 135-40.1(1a), and the following new G.S. 135-40.1(1) is added:

"(1) The term 'chemical dependency' means the pathological use or abuse of alcohol or other drugs in a manner or to a degree that produces an impairment in personal, social or occupational functioning and which may, but need not, include a pattern of tolerance and withdrawal."

Sec. 11. Part 3 of Article 3 of Chapter 135 of the General Statutes is amended by adding a new section to read:

"§ 135-40.7A. Special provisions for chemical dependency.—(a) Except as otherwise provided in this section, benefits for treatment of chemical dependency are covered by the Plan and shall be subject to the same deductibles, durational limits, and coinsurance factors as are benefits for physical illness generally.

(b) Notwithstanding any other provision of this Part, the maximum benefit for each covered individual for treatment of chemical dependency is as follows:

30 consecutive day period	\$ 3,000
calendar year	5,000
lifetime	\$ 15,000

Expenditures incurred before January 1, 1985, shall not count toward the maximum imposed by this subsection.

(c) Notwithstanding any other provision of this Part, provisions for benefits for necessary care and treatment of chemical dependency under this Part shall

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provide for benefit payments for the following providers of necessary care and treatment of chemical dependency:

- (1) The following units of a general hospital licensed under Article 5 of General Statutes Chapter 131E:
 - a. chemical dependency units in facilities licensed after October 1, 1984;
 - b. medical units;
 - c. psychiatric units; and
- (2) The following facilities licensed after July 1, 1984, under Article 1A of General Statutes Chapter 131E:
 - a. chemical dependency units in psychiatric hospitals;
 - b. chemical dependency hospitals;
 - c. residential chemical dependency treatment facilities;
 - d. social setting detoxification facilities or programs;
 - e. medical detoxification facilities or programs; and
- (3) Duly licensed physicians and duly licensed practicing psychologists and certified professionals working under the direct supervision of such physicians or psychologists in facilities described in (1) and (2) above and in day/night programs or outpatient treatment facilities licensed after July 1, 1984, under Article 1A of General Statutes Chapter 122.

Provided, however, that nothing in this subsection shall prohibit the Plan from requiring the most cost effective treatment setting to be utilized by the person undergoing necessary care and treatment for chemical dependency."

Sec. 12. G.S. 135-40.6(1)r. is amended:

(1) by deleting " , alcoholism and drug addiction, or any combination thereof"; and (2) by deleting "any of these conditions", and inserting in lieu thereof "this condition".

Sec. 13. G.S. 58-251.1(b)(11) is amended in the second line by deleting the word "The" and substituting for that word the following: "Except for the payment of benefits for the necessary care and treatment of chemical dependency as required by law, the".

Sec. 14. Each insurer and health maintenance organization that offers benefits for chemical dependency treatment shall report to the North Carolina Department of Insurance its experience under Sections 7, 8, or 9 of this act on or before April 1, 1986. The Department shall compile such reports and present them to the Mental Health Study Commission and to the Joint Legislative Commission on Governmental Operations on or before May 1, 1986. Such report shall contain the following information:

(1) The number of policies written that include coverage for chemical dependency treatment.

(2) The number of insureds and beneficiaries or enrollees covered for chemical dependency treatment and the number not covered.

(3) The number of offerings of coverage made and the number rejected.

(4) Recommendations regarding the offering of chemical dependency benefits.

Sec. 15. The Department of Human Resources is directed to conduct an evaluation of the effects of the provisions of this bill on the availability, utilization, cost and quality of chemical dependency treatment in North Carolina. The Department shall present an interim report to the 1987 General Assembly and a final report to the 1989 General Assembly.

Sec. 16. The enactment of Sections 1 through 3 of this act shall not be construed as requiring a facility which had obtained prior to June 30, 1984, a certificate of need for such use under prior law to obtain a new certificate of need on account of the specific inclusion of chemical dependency treatment facilities in Article 9 of Chapter 131E of the General Statutes.

Sec. 17. This act shall become effective upon ratification except that Sections 10, 11, and 12 shall become effective January 1, 1985.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

S. B. 901 CHAPTER 1111

AN ACT TO REPEAL CHAPTER 954, SESSION LAWS OF 1983.

The General Assembly of North Carolina enacts:

Section 1. Chapter 954, Session Laws of 1983 is repealed.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. B. 738 CHAPTER 1112

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, AUTHORIZING ADDITIONAL STUDIES, AND MAKING VARIOUS APPROPRIATIONS FOR STUDIES.

The General Assembly of North Carolina enacts:

Section 1. In addition to the subjects authorized by Chapter 905 of the 1983 Session Laws (1983 Regular Session), the Legislative Research Commission may study the topics listed below. Listed with each topic is the 1983 bill or resolution that originally proposed the study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

- (1) Hazardous Wastes Strict Liability (H.B. 738-Clark); and
- (2) Legislative Office Building (H.B. 250-Miller).

Sec. 2. Bills and Resolution References. The listing of the original bill or resolution in Section 1 of this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 3. Coastal Submerged Lands. The Legislative Research Commission is authorized to study (i) the existing statutes concerning the ownership of the submerged lands and coastal waters within the counties designated in G.S. 113-205; (ii) the existing decisions by the Supreme Court of North Carolina concerning the ownership of said lands and waters; (iii) the nature of the claims and the impact that recognition of the claims would have on existing public uses of the submerged lands and coastal waters; (iv) the need for additional laws to address the claims and facilitate resolution of the claims; (v) the existing statutes concerning management of the submerged lands by the State; (vi) the need for additional laws to revise the management system in place for submerged lands held by the State; and (vii) such other matters relating to the private claims and management of State held submerged lands as it deems important.

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Sec. 4. For each of the topics the Legislative Research Commission decides to study, the Commission may report its findings, together with any recommended legislation, to the 1985 General Assembly.

Sec. 5. Disability Review Commission Continuation. Section 8 of Chapter 880 of the 1983 Session Laws (1983 Regular Session) is rewritten to read:

“Sec. 8. The Commission may report to the General Assembly the results of its investigation and study, and its recommendations on or before February 15, 1985.”

Sec. 6. Legislative Commission on Medical Cost Containment Appropriation. There is appropriated from the General Fund to the General Assembly for the work of the Legislative Commission on Medical Cost Containment the sum of five thousand dollars (\$5,000) for fiscal year 1984-85.

Sec. 7. Administrative Procedure Act Study Commission Appropriation. In addition to any funds allocated under authority of Section 4 of Resolution 51 of the 1983 Session Laws (1983 Regular Session), there is appropriated from the General Fund to the General Assembly for the work of the Administrative Procedure Act Study Commission the sum of one hundred thousand dollars (\$100,000) for fiscal year 1984-85.

Sec. 8. Public Education Policy Council Appropriation. In addition to any funds allocated under authority of Section 2 of Chapter 860 of the 1983 Session Laws (1983 Regular Session), there is appropriated from the General Fund to the General Assembly for the work of the Public Education Policy Council the sum of thirty-six thousand dollars (\$36,000) for fiscal year 1984-85.

Sec. 9. Criminal Justice Information System and Computerized Records Study Commission Appropriation. In addition to any funds allocated under authority of Section 2 of Chapter 935 of the 1983 Session Laws (1983 Regular Session), there is appropriated from the General Fund to the General Assembly for the work of the Criminal Justice Information System and Computerized Records Study Commission the sum of five thousand dollars (\$5,000) for fiscal year 1984-85.

Sec. 10. Credit Insurance and Interest Rate Study Commission. (a) The Credit Insurance and Interest Rates Study Commission is hereby created.

(b) The Credit Insurance and Interest Rates Study Commission shall study credit insurance and interest rates in North Carolina, including but not limited to: marketing practices by which credit insurance is sold; whether the payback ratio for credit insurance is appropriate; the need for amendment of existing statutes concerning credit insurance; the interrelationship of credit insurance and interest rates; and such other matters relating to credit insurance and interest rates as the Commission deems appropriate.

(c) The Commission shall consist of eight members to be appointed as follows:

- (1) four members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (2) four members of the Senate appointed by the President Pro Tempore;
- (3) all appointments shall be made no later than August 1, 1984;
- (4) the Speaker and the President Pro Tempore shall each choose a cochairman from the membership of the Commission no later than September 15, 1984;

- (5) either cochairman may call the first meeting of the Commission; and
- (6) all vacancies shall be filled by the appointing officer.

(d) The Legislative Services Commission shall provide staff assistance to the Commission. The Commission may hold its meetings in the legislative buildings.

(e) Members of the Commission shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-3.1.

(f) The Commission shall make a report to the General Assembly on or before February 15, 1985, containing the recommendations of the Commission as to the need, if any, for changes in existing statutes or the need for new statutes. The Commission shall terminate upon submission of its report.

(g) There is appropriated from the General Fund to the General Assembly for the work of the Credit Insurance and Interest Rates Study Commission the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 to cover all expenses of the Commission.

(h) The Commissioners of Insurance and Banks shall collect and compile all data requested by the Credit Insurance and Interest Rates Study Commission and return said data to the Commission no later than 30 days after said request.

Sec. 11. State Parks Study Commission. (a) There is created a State Parks Study Commission to be composed of nine members, three to be appointed by the President Pro Tempore, three to be appointed by the Speaker of the House, and three to be appointed by the Governor. Appointments shall be made before August 1, 1984. The President Pro Tempore and the Speaker shall each appoint a cochairman from the membership of the Committee. Either cochairman may call the first meeting of the Committee. The Commission may hold its meetings in the legislative buildings.

(b) (1) The Commission shall have as its purpose the study and formulation of recommendations for administrative and legislative action concerning the system of State Parks and recreation areas. The Commission shall give highest priority to the following issues:

- a. The need for funds for land acquisition and development of new and existing facilities; and
- b. The need for additional personnel and for better salary levels for parks personnel.

(2) In addition to the above issues, the Commission shall, to the extent feasible, study and formulate recommendations concerning any other issues pertinent to the future of our State parks and recreation system including efforts to increase public awareness, financing alternatives for park lands and operation of recreational facilities, use of volunteers, and support for natural heritage, rivers and trails, and public access programs.

(c) The Commission shall consult with the Department of Natural Resources and Community Development about and may request from the Department, such information concerning parks and recreational areas as it deems necessary to achieve its purposes; and the Department shall make available such information and expertise as it possesses or is reasonably able to obtain.

(d) The Commission shall file a written report of its findings and recommendations with the presiding officer of the House of Representatives

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and the Senate on or before February 15, 1985. Upon the filing of the report, the Commission shall terminate.

(e) Members of the Commission who are legislators, if any, shall be reimbursed for travel and subsistence expenses in accordance with G.S. 120-3.1. Members of the Commission who are not officers and employees of the State, if any, shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5. Members of the Commission who are officers or employees of the State shall receive travel reimbursement and subsistence in accordance with G.S. 138-6.

(f) There is appropriated from the General Fund to the General Assembly for the work of the State Parks Study Commission the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85.

Sec. 12. Commission on a Cafeteria-Style Benefits Program for Teachers and State Employees (H.J.R. 1032-Hayden).

(a) The Commission on a Cafeteria-Style Benefits Program for Teachers and State Employees is hereby created.

(b) The Commission on a Cafeteria-Style Benefits Program for Teachers and State Employees shall study the feasibility of establishing a cafeteria-style benefits program for all teachers and State employees. The Commission shall study the current benefits offered by the State to determine which, if any, of these benefits could be incorporated into a cafeteria-style benefits program and shall also study benefits not offered by the State to determine whether additional benefits could be offered through a cafeteria-style benefits program. The Commission shall determine the dollar amount of benefits that could be allocated to each employee under a cafeteria-style benefits program and the cost to the employee of each benefit that could be included in this type program. The Commission shall consider whether any restrictions, such as a specified waiting period or a physical examination, should apply to the selection of any benefits.

(c) The Commission shall be composed of the following 10 members:

(1) five Representatives appointed by the Speaker of the House;

(2) five Senators appointed by the President Pro Tempore.

(d) All appointments shall be made not later than August 1, 1984. All vacancies shall be filled by the appointing officer. The Speaker and the President Pro Tempore shall each choose a cochairman from the membership of the Commission. Either cochairman may call the first meeting of the Commission.

(e) Members of the Commission shall receive subsistence and travel allowances at the rate set forth in G.S. 120-3.1.

(f) The Legislative Services Commission shall provide staff assistance to the Commission. The Commission may hold its meetings in the legislative buildings.

(g) The Commission shall make a report to the General Assembly on or before February 15, 1985, containing the recommendations of the Commission as to the need, if any, for changes in existing statutes or the need for new statutes. The Commission shall terminate upon submission of its report.

(h) There is appropriated from the General Fund to the General Assembly the sum of ten thousand dollars (\$10,000) for the 1984-85 fiscal year to implement the provisions of this section.

Sec. 13. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1984.

S. B. 706 CHAPTER 1113

AN ACT TO PERMIT INTERSTATE BANKING IN NORTH CAROLINA ON A RECIPROCAL BASIS AND TO PROVIDE FOR THE REGISTRATION OF BANK HOLDING COMPANIES.

Whereas, banking organizations play a vital role in the development and growth of a viable local and regional economy; and

Whereas, it is anticipated that banking services in North Carolina will be improved and competition enhanced by the development in the southeastern region of the United States of bank holding companies that are sufficient in size to compete effectively with the largest banking organizations in the United States in all areas of banking; and

Whereas, it is also anticipated that economic growth in North Carolina will be stimulated and aided by the development of such bank holding companies in the southeastern region of the United States; and

Whereas, it is desirable, at the same time, to place certain limitations on the development of bank holding companies serving North Carolina in order to prevent undue concentrations of economic resources and a lessening of competition as a result thereof; and

Whereas, a number of the United States, including states located in the southeastern region of the United States and contiguous to North Carolina, have already authorized some form of interstate banking; and

Whereas, it is desirable to encourage other states located in the southeastern region of the United States to permit the acquisition of their banks and bank holding companies by bank holding companies principally located in North Carolina in order to further the development of bank holding companies in the southeastern region of the United States; and

Whereas, federal law permits each of the United States to determine the extent to which bank holding companies may engage in interstate banking within its borders; and

Whereas, it is in the best interest of North Carolina and its citizens to establish legislation to permit acquisition, on a reciprocal basis, of North Carolina banks and bank holding companies by bank holding companies principally located in other states in the southeastern region of the United States, subject to the supervision and regulation of the North Carolina Commissioner of Banks; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 53 of the General Statutes of North Carolina is amended to add two new Articles as follows:

"ARTICLE 17.

"North Carolina Regional Reciprocal Banking Act.

"§ 53-209. Title.—This Article shall be known and may be cited as the North Carolina Regional Reciprocal Banking Act.

"§ 53-210. Definitions.—Notwithstanding any other section of this Chapter, for the purposes of this Article:

(1) 'Acquire' means:

- a. the merger or consolidation of one bank holding company with another bank holding company;
- b. the acquisition by a bank holding company of direct or indirect ownership or control of voting shares of another bank holding company or a bank, if, after such acquisition, the bank holding company making the acquisition will directly or indirectly own or control more than five percent (5%) of any class of voting shares of the other bank holding company or the bank;
- c. the direct or indirect acquisition by a bank holding company of all or substantially all of the assets of another bank holding company or of a bank; or
- d. any other action that would result in direct or indirect control by a bank holding company of another bank holding company or a bank.

(2) 'Bank' means any 'insured bank' as such term is defined in Section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)) or any institution eligible to become an 'insured bank' as such term is defined therein, which, in either event,

- a. accepts deposits that the depositor has a legal right to withdraw on demand; and
- b. engages in the business of making commercial loans.

(3) 'Banking office' means the principal office of a bank, any branch of a bank, any teller's window of a bank or any other office at which a bank accepts deposits: Provided, however, that 'banking office' shall not mean:

- a. unmanned automatic teller machines, point of sale terminals or other similar unmanned electronic banking facilities at which deposits may be accepted;
- b. offices located outside the United States; or
- c. loan production offices, representative offices or other offices at which deposits are not accepted.

(4) 'Bank holding company' has the meaning set forth in Section 2(a)(1) of the Bank Holding Company Act of 1956 as amended (12 U.S.C. 1841(a)(1)).

(5) 'Commissioner' means the Commissioner of Banks of this State.

(6) 'Control' has the meaning set forth in Section 2(a)(2) of the Bank Holding Company Act of 1956 as amended (12 U.S.C. 1841(a)(2)).

(7) 'Deposits' means all demand, time, and savings deposits, without regard to the location of the depositor: Provided, however, that 'deposits' shall not include any deposits by banks. For purposes of this Article, determination of deposits shall be made with reference to regulatory reports of condition or similar reports made by or to state and federal regulatory authorities.

(8) 'North Carolina bank' means a bank that:

- a. is organized under the laws of this State or of the United States; and
- b. has banking offices located only in this State.

(9) 'North Carolina bank holding company' means a bank holding company:

- a. that has its principal place of business in this State;
- b. the North Carolina bank and regional bank subsidiaries of which hold more than eighty percent (80%) of the total deposits held by all of its bank subsidiaries, other than bank subsidiaries controlled by it in accordance with G.S. 53-212 of this Article; and

- c. that is not controlled by a bank holding company other than a North Carolina bank holding company.
- (10) 'Principal place of business' of a bank holding company means the state in which the total deposits held by the banking offices of the bank holding company's bank subsidiaries are the largest.
- (11) 'Region' means the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, and the District of Columbia.
- (12) 'Regional bank' means a bank that:
 - a. is organized under the laws of the United States or of one of the states in the region other than North Carolina; and
 - b. has banking offices located only in states within the region.
- (13) 'Regional bank holding company' means a bank holding company:
 - a. that has its principal place of business in a state within the region other than North Carolina;
 - b. the regional bank and North Carolina bank subsidiaries of which hold more than eighty percent (80%) of the total deposits held by all of its bank subsidiaries, other than bank subsidiaries controlled by it in accordance with G.S. 53-212 of this Article;
 - c. that is not controlled by a bank holding company other than a regional bank holding company; and
 - d. that neither is controlled by nor is a foreign bank as defined in the International Banking Act of 1978 (12 U.S.C. 3101(7)).
- (14) 'State' means any state of the United States or the District of Columbia.
- (15) 'Subsidiary' has the meaning set forth in Section 2(d) of the Bank Holding Company Act of 1956 as amended (12 U.S.C. 1841(d)).

"§ 53-211. Acquisitions by regional bank holding companies.—(a) A regional bank holding company that does not have a North Carolina bank subsidiary (other than a North Carolina bank subsidiary that was acquired either pursuant to Section 116 or Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m), 1823(f)) or in the regular course of securing or collecting a debt previously contracted in good faith, as provided in Section 3(a) of the Bank Holding Company Act of 1956 as amended (12 U.S.C. 1842(a))) may acquire a North Carolina bank holding company or a North Carolina bank with the approval of the Commissioner. The regional bank holding company shall submit to the Commissioner an application for approval of such acquisition, which application shall be approved only if:

- (1) The Commissioner determines that the laws of the state in which the regional bank holding company making the acquisition has its principal place of business permit all North Carolina bank holding companies to acquire banks and bank holding companies in that state;
- (2) The Commissioner determines that the laws of the state in which the regional bank holding company making the acquisition has its principal place of business permit such regional bank holding company to be acquired by the North Carolina bank holding company or North Carolina bank sought to be acquired. For the purposes of this subsection, a North Carolina bank shall be treated as if it were a North Carolina bank holding company;

- (3) The Commissioner determines either that the North Carolina bank sought to be acquired has been in existence and continuously operating for more than five years or that all of the bank subsidiaries of the North Carolina bank holding company sought to be acquired have been in existence and continuously operating for more than five years: Provided, that the Commissioner may approve the acquisition by a regional bank holding company of all or substantially all of the shares of a bank organized solely for the purpose of facilitating the acquisition of a bank that has been in existence and continuously operating as a bank for more than five years; and
- (4) The Commissioner makes the acquisition subject to any conditions, restrictions, requirements or other limitations that would apply to the acquisition by a North Carolina bank holding company of a bank or bank holding company in the state where the regional bank holding company making the acquisition has its principal place of business but that would not apply to the acquisition of a bank or bank holding company in such state by a bank holding company all the bank subsidiaries of which are located in that state.

(b) A regional bank holding company that has a North Carolina bank subsidiary (other than a North Carolina bank subsidiary that was acquired either pursuant to Section 116 or Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m), 1823(f)) or in the regular course of securing or collecting a debt previously contracted in good faith, as provided in Section 3(a) of the Bank Holding Company Act of 1956 as amended (12 U.S.C. 1842(a))) may acquire any North Carolina bank or North Carolina bank holding company with the approval of the Commissioner. The regional bank holding company shall submit to the Commissioner an application for approval of such acquisition, which application shall be approved only if:

- (1) The Commissioner determines either that the North Carolina bank sought to be acquired has been in existence and continuously operating for more than five years or that all of the bank subsidiaries of the North Carolina bank holding company sought to be acquired have been in existence and continuously operating for more than five years: Provided, that the Commissioner may approve the acquisition by a regional bank holding company of all or substantially all of the shares of a bank organized solely for the purpose of facilitating the acquisition of a bank that has been in existence and continuously operating as a bank for more than five years; and
- (2) The Commissioner makes the acquisition subject to any conditions, restrictions, requirements or other limitations that would apply to the acquisition by a North Carolina bank holding company of a bank or bank holding company in the state where the regional bank holding company making the acquisition has its principal place of business but that would not apply to the acquisition of a bank or bank holding company in such state by a bank holding company all the bank subsidiaries of which are located in that state.

(c) The Commissioner shall rule on any application submitted under this section not later than 90 days following the date of submission of a complete application. If the Commissioner fails to rule on the application within the

requisite 90-day period, the failure to rule shall be deemed a final decision of the Commissioner approving the application.

“§ 53-212. Exceptions.—A North Carolina bank holding company, a North Carolina bank, a regional bank holding company, or a regional bank may acquire or control, and shall not cease to be a North Carolina bank holding company, a North Carolina bank, a regional bank holding company, or a regional bank, as the case may be, by virtue of its acquisition or control of:

(1) a bank having banking offices in a state not within the region, if such bank has been acquired pursuant to the provisions of Section 116 or Section 123 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1730a(m), 1823(f));

(2) a bank having banking offices in a state not within the region, if such bank has been acquired in the regular course of securing or collecting a debt previously contracted in good faith, as provided in Section 3(a) of the Bank Holding Company Act of 1956 as amended (12 U.S.C. 1842(a)), and if the bank or bank holding company divests the securities or assets acquired within two years of the date of acquisition. A North Carolina bank, a North Carolina bank holding company, a regional bank holding company, or a regional bank may retain these interests for up to three additional periods of one year each if the Commissioner determines that the required divestiture would create undue financial difficulties for that bank or bank holding company; or

(3) a bank or corporation organized under the laws of the United States or of any state and operating under Section 25 or Section 25(a) of the Federal Reserve Act as amended (12 U.S.C. 601 or 611-31) or a bank or bank holding company organized under the laws of a foreign country that is principally engaged in business outside the United States and that either has no banking office in the United States or has banking offices in the United States that are engaged only in business activities permissible for a corporation operating under Section 25 or Section 25(a) of the Federal Reserve Act as amended.

“§ 53-213. Prohibitions.—(a) Except as expressly permitted by federal law, no bank holding company that is not either a North Carolina bank holding company or a regional bank holding company shall acquire a North Carolina bank holding company or a North Carolina bank.

(b) Except as required by federal law, a North Carolina bank holding company or a regional bank holding company that ceases to be a North Carolina bank holding company or a regional bank holding company shall as soon as practicable and, in all events, within one year after such event divest itself of control of all North Carolina bank holding companies and all North Carolina banks: Provided, however, that such divestiture shall not be required if the North Carolina bank holding company or the regional bank holding company ceases to be a North Carolina bank holding company or a regional bank holding company, as the case may be, because of an increase in the deposits held by bank subsidiaries not located within the region and if such increase is not the result of the acquisition of a bank or bank holding company.

“§ 53-214. Applicable laws, rules and regulations.—(a) Any North Carolina bank that is controlled by a bank holding company that is not a North Carolina bank holding company shall be subject to all laws of this State and all rules and regulations under such laws that are applicable to North Carolina banks that are controlled by North Carolina bank holding companies.

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(b) Notwithstanding the provisions of G.S. 53-95, the Commissioner may promulgate rules, including the imposition of a reasonable application and administration fee, to implement and effectuate the provisions of this Article.

“§ 53-215. Appeal of commissioner’s decision.—Notwithstanding any other provision of law, any aggrieved party in a proceeding under G.S. 53-211 or G.S. 53-212(2) may, within 30 days after final decision of the Commissioner and by written notice to the Commissioner, appeal directly to the North Carolina Court of Appeals for judicial review on the record. In the event of an appeal the Commissioner shall certify the record to the Clerk of the Court of Appeals within 30 days after filing of the appeal.

“§ 53-216. Periodic reports; interstate agreements.—The Commissioner may from time to time require reports under oath in such scope and detail as he may reasonably determine of each regional bank holding company subject to this Article for the purpose of assuring continuing compliance with the provisions of this Article.

The Commissioner may enter into cooperative agreements with other bank regulatory authorities for the periodic examination of any regional bank holding company that has a North Carolina bank subsidiary and may accept reports of examination and other records from such authorities in lieu of conducting its own examinations. The Commissioner may enter into joint actions with other bank regulatory authorities having concurrent jurisdiction over any regional bank holding company that has a North Carolina bank subsidiary or may take such actions independently to carry out its responsibilities under this Article and assure compliance with the provisions of this Article and the applicable banking laws of this State.

“§ 53-217. Enforcement.—The Commissioner shall have the power to enforce the provisions of this Article, including the divestiture requirement of G.S. 53-213(b), through an action in any court of this State or any other state or in any court of the United States, as provided in G.S. 53-94 and G.S. 53-134, for the purpose of obtaining an appropriate remedy for violation of any provision of this Article, including such criminal penalties as are contemplated by G.S. 53-134.

“§ 53-218. Nonseverability.—It is the purpose of this Article 17 to facilitate orderly development of banking organizations that have banking offices in more than one state within the region. It is not the purpose of this Article to authorize acquisitions of North Carolina bank holding companies or North Carolina banks by bank holding companies that do not have their principal place of business in this State on any basis other than as expressly provided in this Article. Therefore, if any portion of this Article pertaining to the terms and conditions for and limitations upon acquisition of North Carolina bank holding companies and North Carolina banks by bank holding companies that do not have their principal place of business in this State is determined to be invalid for any reason by a final nonappealable order of any North Carolina or federal court of competent jurisdiction, then this entire Article shall be null and void in its entirety and shall be of no further force or effect from the effective date of such order: Provided, however, that any transaction that has been lawfully consummated pursuant to this Article prior to a determination of invalidity shall be unaffected by such determination.

“ARTICLE 18.

“Bank Holding Company Act of 1984.

“§ 53-225. Title and scope.—(a) This Article shall be known and may be cited as the North Carolina Bank Holding Company Act of 1984.

(b) This Article provides for the registration of bank holding companies in North Carolina. Nothing contained in this Article shall be deemed to apply to the registration, examination or supervision of banks or trust companies.

(c) Actions by the Commissioner under this Article shall not be subject to review by the State Banking Commission but shall be reviewable pursuant to G.S. 53-231.

“§ 53-226. Definitions.—For the purposes of this Article:

(a) ‘Bank’ means any insured bank as the term is defined in Section 3(h) of the Federal Deposit Insurance Act, (12 U.S.C. Section 1813(h)), or any institution eligible to become an insured bank as the term is defined therein, which, in either event:

(1) Accepts deposits that the depositor has a legal right to withdraw on demand; and

(2) Engages in the business of making commercial loans.

(b) ‘Bank holding company’ means any company which has control over any bank.

(c) ‘Commissioner’ means the Commissioner of Banks of this State.

(d) ‘Company’ means a corporation, joint stock company, business trust, partnership, voting trust, association, and any similar organized group of persons, whether incorporated or not, and whether or not organized under the laws of this State or any other state or any territory or possession of the United States or under the laws of the foreign country, territory, colony or possession thereof, other than a corporation all the capital of which is owned by the United States or a corporation which is chartered by the Congress of the United States; ‘company’ includes subsidiary and parent companies.

(e) ‘Control’ means that:

(1) Any company directly or indirectly or acting through one or more persons owns, controls, or has power to vote twenty-five per centum (25%) or more of the voting securities of the bank;

(2) The company controls in any manner the election of a majority of the directors, managers or trustees of the bank or company; or

(3) The Commissioner determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank or company.

(f) ‘Subsidiary’, with respect to a bank holding company, means:

(1) Any company twenty-five per centum (25%) or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is held by it with power to vote;

(2) Any company the election of a majority of whose directors is controlled in any manner by a bank holding company; or

(3) Any company with respect to the management or policies of which a bank holding company has the power, directly or indirectly, to exercise control, as determined by the Commissioner.

(g) For the purposes of any proceeding under subdivisions (e)(3) and (f)(3) of this section, there is a presumption that any company which directly or indirectly owns, controls, or has power to vote less than 5 percent (5%) of any

class of voting securities of a given bank or company does not have control over that bank or company.

“§ 53-227. Registration of bank holding companies.—Every bank holding company, not later than July 1, 1985, or within 180 days after becoming a bank holding company controlling a North Carolina federally or State-chartered bank or banks, or within 180 days after acquiring control over a nonbank subsidiary or subsidiaries having offices located in this State shall register with the Commissioner on forms approved by the Commissioner.

“§ 53-228. Cease and desist.—Upon a finding that any action of a bank holding company or nonbank subsidiary subject to this Article may be in violation of any North Carolina banking law, the Commissioner, after a reasonable notice to the bank holding company or its nonbank subsidiary and an opportunity for it to be heard, shall have the authority to order it to cease and desist from such action. If the bank holding company or nonbank subsidiary fails to appeal such decision in accordance with G.S. 53-231 hereof and continues to engage in such action in violation of the Commissioner's order to cease and desist such action, it shall be subject to a penalty of one thousand dollars (\$1,000), to be recovered with costs by the Commissioner in any court of competent jurisdiction in a civil action prosecuted by the Commissioner. The penalty provision of this section shall be in addition to and not in lieu of any other provision of law applicable to a bank holding company's or its nonbank subsidiary's failure to comply with an order of the Commissioner.

“§ 53-229. Acquisition and control of certain nonbank banking institutions.—Notwithstanding any other provisions of this Article or any other provision of the General Statutes of this State, no bank holding company or any other company may acquire or control any banking institution that:

(1) has offices located in this State; and

(2) is not a bank as defined in G.S. 53-226(a) of this Article.

For purposes of this section, ‘company’ means any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust, and ‘banking institution’ means any institution organized under Article 2 of Chapter 53 (G.S. 53-2, et seq.) or Article 11 of Chapter 53 (G.S. 53-136, et seq.) of the General Statutes of this State or under Chapter 2 of Title 12 of the United States Code (12 U.S.C. § 21, et seq.). Provided, the provisions of G.S. 53-229 shall not apply to applications by any company which is chartered by the Congress of the United States and which application is pending before the Commissioner on the effective date of this section.

“§ 53-230. Rules.—Notwithstanding the provision of G.S. 53-95, the Commissioner may promulgate such reasonable rules as may be necessary to effectuate the purposes of this Article.

“§ 53-231. Appeal of commissioner's decision.—Notwithstanding any other provision of law, any aggrieved party may, within 30 days after final decision of the Commissioner and by written notice to the Commissioner, appeal directly to the North Carolina Court of Appeals or judicial review on the record. In the event of an appeal, the Commissioner shall certify the record to the Clerk of the Court of Appeals within 30 days thereafter. Such record shall include all memoranda, briefs and any other documents, data, information or evidence submitted by any party to such proceeding except for material such as trade

secrets normally not available through commercial publication for which such party has made a claim of confidentiality and requested exclusion from the record which the Commissioner deems confidential. All factual information contained in any report of examination or investigation submitted to or obtained by the Commissioner's staff shall also be made a part of the record unless deemed confidential by the Commissioner.

"§ 53-232. Fees.—Each bank holding company subject to this act shall pay the following fees:

(a) An initial registration fee of \$1,000.

(b) An annual registration fee of \$750.00.

(c) A fee of \$50.00 for the issuance of any certified copies of documents plus \$1.00 per page over a number of pages specified by the Commissioner."

Sec. 2. G.S. 7A-29(a) is amended by inserting the words "the Commissioner of Banks pursuant to Articles 17 and 18 of Chapter 53 of the General Statutes," after the words "the North Carolina Utilities Commission".

Sec. 3. The question of the extent of authority beyond that conferred by Article 17 upon the Commissioner of Banks with regard to the acquisition of a North Carolina bank or bank holding company by an out-of-State regional bank holding company is referred to the Committee on Taxation and Regulation of Banks, Savings and Loan Associations, and Credit Unions of the Legislative Research Commission for study and report to the 1985 Session of the General Assembly.

Sec. 4. Article 17 of Chapter 53 of the General Statutes contained in Section 1 of this act shall become effective January 1, 1985. The rest of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1984.

S. B. 187 CHAPTER 1114

AN ACT APPROPRIATING FUNDS FOR VARIOUS LOCAL PROJECTS.

An outline of the provisions of the act follows this section. The outline shows the heading "—CONTENTS/INDEX—" and it lists by descriptive captions the various sections that make up the act.

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The General Assembly of North Carolina enacts:

Part 1. - Cultural Resources

Person Place Funds.

Sec. 1. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to rehabilitate Person Place to provide a facility for community use, provided a like amount is raised by the Person Place Preservation Society, Inc. to match this grant-in-aid on a dollar-for-dollar basis.

Salisbury Railroad Station Funds.

Sec. 2. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1984-85 fiscal year the sum of forty-two thousand dollars (\$42,000) to assist in the purchase, emergency stabilization, and pre-development planning of the Salisbury Railroad Station by the Historic Salisbury Foundation, Inc. Henderson Apple Festival Funds.

Sec. 3. There is appropriated from the General Fund to the North Carolina Apple Festival, Inc. for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for capital needs of the North Carolina Apple Festival in Henderson and to promote the Festival. Murray's Mill Funds.

Sec. 4. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1984-85 for the continued restoration of the Murray's Mill complex in Catawba County, provided a like amount is raised by the Catawba County Historical Association to match this grant-in-aid on a dollar-for-dollar basis. Schiele Museum Funds.

Sec. 5. There is appropriated from the General Fund to the Schiele Museum of Natural History and Planetarium, Inc., in Gastonia the sum of one hundred forty-eight thousand dollars (\$148,000) for the 1984-85 fiscal year.

Part of this amount shall be used for architectural studies of a biosphere facility and renovations for the Museum, and part shall be used to conduct an archeological survey of Gaston County to identify and evaluate the archeological resources of the county. The archeological survey shall be conducted under the supervision of the Division of Archives and History, Department of Cultural Resources. Jones House Funds.

Sec. 6. (a) There is appropriated from the General Fund to the Town of Boone for fiscal year 1984-85 the sum of forty thousand dollars (\$40,000) for exterior repairs and painting and interior plumbing, heating, and electrical work at the Jones House, and to commission historically commemorative sculpture for the House's lawn.

(b) The activities associated with this appropriation shall be performed in accordance with the standards and guidelines for historic preservation projects established by the Division of Archives and History, Department of Cultural

Resources, and shall be conducted under the professional supervision of that agency.

Gaston Art & History Museum Funds.

Sec. 7. There is appropriated from the General Fund to Gaston County the sum of eighty thousand dollars (\$80,000) for the 1984-85 fiscal year for capital improvements to the Gaston County Museum of Art and History in Dallas.

Burke Courthouse Funds.

Sec. 8. There is appropriated from the General Fund to the Historic Burke Foundation the sum of twenty thousand dollars (\$20,000) for the 1984-85 fiscal year to rehabilitate the Old Burke County Courthouse and establish the Burke County Heritage and Performing Arts Center at the Courthouse.

Temperance, McNeill House Funds.

Sec. 9. There is appropriated from the General Fund to the Scotland County Historical Association for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) for repairs to Temperance Hall and the John Charles McNeill House in Laurinburg.

Gastonia Little Theater Funds.

Sec. 10. There is appropriated from the General Fund to the Little Theater of Gastonia, Inc. the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 to renovate the Theater's auditorium.

James Polk Historic Site Funds.

Sec. 11. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 to design, fabricate, and install new interpretive exhibits at the James K. Polk Memorial State Historic Site in Pineville.

Frank Holder Dance Funds.

Sec. 12. There is appropriated from the General Fund to the Frank Holder Dance Company for fiscal year 1984-85 the sum of one hundred four thousand dollars (\$104,000) for equipment and operational funds for the Company's dance tour to the 100 counties of North Carolina.

Cabarrus Fire/Rescue Funds.

Sec. 13. (a) There is appropriated from the General Fund for fiscal year 1984-85 two thousand dollars (\$2,000) to each of the following fifteen volunteer fire departments in Cabarrus County for the purchase of equipment and/or operational expenses: Winecoff Volunteer Fire Department, Harrisburg Volunteer Fire Department, Midland Volunteer Fire Department, Mt. Pleasant Volunteer Fire Department, Jackson Park Volunteer Fire Department, Allen Volunteer Fire Department, Reimer Volunteer Fire Department, Cold Water Volunteer Fire Department, Popular Tent Volunteer Fire Department, Odell Volunteer Fire Department, North East Volunteer Fire Department, Flowe Store Volunteer Fire Department, Mt. Mitchell Volunteer Fire Department, Georgeville Volunteer Fire Department and Pitts Volunteer Fire Department.

(b) There is appropriated from the General Fund to Cabarrus County Rescue Squad the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment and/or operational expenses.

Museum of the Albemarle Funds.

Sec. 14. There is appropriated from the General Fund to the Department of Cultural Resources the sum of twenty thousand dollars (\$20,000)

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for fiscal year 1984-85 to continue the salary of an exhibits designer at the Museum of the Albemarle.

Belle Chere Festival Funds.

Sec. 15. There is appropriated from the General Fund to the Asheville Area Chamber of Commerce the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to sponsor the annual Belle Chere Street Festival.

William Penn Foundation Funds.

Sec. 16. There is appropriated from the General Fund to the William Penn Foundation, Inc. the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 to continue its restoration project.

Mt Airy Restoration Funds.

Sec. 17. There is appropriated from the General Fund to the Mount Airy Restoration Foundation the sum of twenty thousand dollars (\$20,000) for the 1984-85 fiscal year for the restoration of selected districts in the Mount Airy area.

Council on Holocaust Funds.

Sec. 18. There is appropriated from the General Fund to the Department of Cultural Resources the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to be used by the North Carolina Council on the Holocaust in portraying the historical significance of the Holocaust.

Lincoln Arts Council Funds.

Sec. 19. There is appropriated from the General Fund to the Lincoln County Arts Council the sum of twenty-five thousand dollars (\$25,000) for the 1984-85 fiscal year to hire, equip, and support an office secretary.

Haywood Repertory Theater Funds.

Sec. 20. There is appropriated from the General Fund to the Haywood Arts Repertory Theater for fiscal year 1984-85 the sum of two thousand five hundred dollars (\$2,500) as a grant-in-aid for operating expenses for the Theater.

Gates Courthouse Funds.

Sec. 21. There is appropriated from the General fund to Gates County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to restore the Gates County Courthouse.

Craven Arts Council/Gallery Funds.

Sec. 22. There is appropriated from the General Fund to Craven County Arts Council and Gallery, Inc., the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Onslow Museum Funds.

Sec. 23. There is appropriated from the General Fund to the Onslow County Museum the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Onslow Arts Council Funds.

Sec. 24. There is appropriated from the General Fund to the Onslow County Arts Council the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Black Artists' Guild Funds.

Sec. 25. There is appropriated from the General Fund to the Black Artists' Guild, Inc. of Kinston the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Jones Auditorium Funds.

Sec. 26. There is appropriated from the General Fund to Jones County the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 to build a public auditorium.

Roanoke Canal Arts Center Funds.

Sec. 27. There is appropriated from the General Fund to the Roanoke Valley Arts Council the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to preserve the Canal Arts Center and acquire property adjacent to the Center.

“First For Freedom” Funds.

Sec. 28. There is appropriated from the General Fund to the Halifax County Historical Association the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to produce the outdoor drama “First For Freedom”.

deRossett House Funds.

Sec. 29. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for the continued restoration of the deRossett House.

Thalian Hall Comm’n. Funds.

Sec. 30. There is appropriated from the General Fund to the Thalian Hall Commission the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Winterville History/Arts Funds.

Sec. 31. There is appropriated from the General Fund to the Winterville History and Arts Society the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Bethel Arts Council Funds.

Sec. 32. There is appropriated from the General Fund to the Bethel Arts Council the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Museum of Life and Science Funds.

Sec. 33. There is appropriated from the General Fund to the North Carolina Museum of Life and Science in Durham the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Durham Arts Center Funds.

Sec. 34. There is appropriated from the General Fund to the Durham Arts Council the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 to support the Durham Community Arts Center Project.

American Dance Festival Funds.

Sec. 35. There is appropriated from the General Fund to the American Dance Festival in Durham the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Rockingham-Richmond Library Funds.

Sec. 36. There is appropriated from the General Fund to the Rockingham-Richmond County Library the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Old Union Courthouse Funds.

Sec. 37. There is appropriated from the General Fund to Union County the sum of twenty-eight thousand dollars (\$28,000) for fiscal year 1984-85 to restore the Old Union County Courthouse.

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Watermelon Festival Funds.

Sec. 38. There is appropriated from the General Fund to the Greater Fair Bluff Chamber of Commerce the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 to sponsor the annual Watermelon Festival in Fair Bluff.

Chadbourn Strawberry Fest. Funds.

Sec. 39. There is appropriated from the General Fund to the Chadbourn Strawberry Festival Association the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 to sponsor the annual Strawberry Festival in Chadbourn.

Imagination Celebration Funds.

Sec. 40. There is appropriated from the General Fund to the North Carolina Alliance for Arts Education the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 for the Imagination Celebration.

N.C. Dance Theater Funds.

Sec. 41. There is appropriated from the General Fund to the North Carolina Dance Theater in Winston-Salem the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Winston Fine Arts Center Funds.

Sec. 42. There is appropriated from the General Fund to the Winston-Salem Delta Fine Arts Center the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 to prepare exhibits of works of black artists in the Center's gallery.

Old Salem Funds.

Sec. 43. There is appropriated from the General Fund to Old Salem, Inc. the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 for the use of Old Salem in interpreting the history and culture of eighteenth century Piedmont North Carolina for school children and adult visitors.

Hugh Torance House/Store Funds.

Sec. 44. There is appropriated from the General Fund to the Mecklenburg Historical Association the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1984-85 for the continued restoration of the Hugh Torance House and Store.

Afro-American Cultural Ctr. Funds.

Sec. 45. There is appropriated from the General Fund to the Afro-American Cultural Center the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Lexington Library Funds.

Sec. 46. There is appropriated from the General Fund to the Lexington Branch of the Davidson County Library the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Rowan Library Funds.

Sec. 47. There is appropriated from the General Fund to the Rowan Public Library the sum of seven thousand five hundred dollars (\$7,500) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Davie Historical Assoc. Funds.

Sec. 48. (a) There is appropriated from the General Fund to the Davie County Historical Association the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1984-85. Part of this appropriation is for operating expenses and

part is for conducting an inventory of architecturally and historically significant structures and sites in Davie County.

(b) The inventory for which this section appropriates funds shall be performed in accordance with the standards and guidelines for survey projects established by the Archaeology and Historic Preservation Section of the Division of Archives and History, Department of Cultural Resources, and shall be conducted under the professional supervision of that agency.
Davie Library Funds.

Sec. 49. There is appropriated from the General Fund to the Davie County Library the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Iredell County Library Funds.

Sec. 50. There is appropriated from the General Fund to the Iredell County Library the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Mooresville Library Funds.

Sec. 51. There is appropriated from the General Fund to the Mooresville Library the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Appalachian Theatre Funds.

Sec. 52. There is appropriated from the General Fund to the Southern Appalachian Repertory Theatre the sum of seventeen thousand five hundred dollars (\$17,500) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Parkway Playhouse Funds.

Sec. 53. There is appropriated from the General Fund to the Parkway Playhouse in Burnsville the sum of six thousand dollars (\$6,000) for fiscal year 1984-85 for repairs and renovation.
John Campbell Folk School Funds

Sec. 54. There is appropriated from the General Fund to the John C. Campbell Folk School in Brasstown the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to restore the Keith House and other historic structures at the school.
Hoke Courthouse Funds.

Sec. 55. There is appropriated from the General Fund to Hoke County the sum of sixty-seven thousand five hundred dollars (\$67,500) for fiscal year 1984-85 to restore the Hoke County Courthouse.
Hoke Library Funds.

Sec. 56. There is appropriated from the General Fund to the Sandhills Regional Library System the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for use by the Hoke County Library in developing a microfilm reader program on the history of the area.
Statesville City Hall Funds.

Sec. 57. There is appropriated from the General Fund to the City of Statesville the sum of thirty-seven thousand five hundred dollars (\$37,500) for fiscal year 1984-85 for the exterior and interior rehabilitation of the Statesville City Hall, provided a like amount of non-State funds is raised by the City of Statesville to match this appropriation on a dollar-for-dollar basis.
Fort Fisher Funds.

Sec. 58. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1984-1985

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fiscal year the sum of thirteen thousand four hundred dollars (\$13,400) to reconstruct a portion of the earthworks at the Fort Fisher State Historic Site.
St. Thomas' Church Restor. Funds.

Sec. 59. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of thirteen thousand three hundred dollars (\$13,300) for fiscal year 1984-85 to provide funds for the Historic St. Thomas Preservation Society, Incorporated, for St. Thomas' Church Restoration in Wilmington.
General Lee Museum Funds.

Sec. 60. There is appropriated from the General Fund to the General William C. Lee Memorial Commission, Inc. for fiscal year 1984-85 the sum of seventy thousand dollars (\$70,000) to establish the General William C. Lee Museum, provided a like amount of non-State funds is raised by the Commission to match this appropriation on a dollar-for-dollar basis.
Harmony Hall Funds.

Sec. 61. There is appropriated from the General Fund to the Lenoir County Historical Association, Inc. the sum of fifteen thousand dollars (\$15,000) for the 1984-85 fiscal year. Of this amount, the sum of ten thousand dollars (\$10,000) shall be used to complete the restoration, security system, and landscaping of Harmony Hall in Kinston, and the sum of five thousand dollars (\$5,000) shall be used for operating expenses of Harmony Hall.
Lincoln Historical Survey Funds.

Sec. 62. (a) There is appropriated from the General Fund to the Lincoln County Historic Properties Commission the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 to conduct an inventory of architecturally and historically significant structures and sites in Lincoln County.

(b) The inventory for which this section appropriates funds shall be performed in accordance with the standards and guidelines for survey projects established by the Archaeology and Historic Preservation Section of the Division of Archives and History, Department of Cultural Resources, and shall be conducted under the professional supervision of that agency.
Eastern Music Festival Funds.

Sec. 63. There is appropriated from the General Fund to the Department of Cultural Resources the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 to provide funds for the Eastern Music Festival in Greensboro.
Native American Festival Funds.

Sec. 64. There is appropriated from the General Fund to the Department of Cultural Resources for fiscal year 1984-85 the sum of two thousand five hundred dollars (\$2,500) for the Native American Festival held annually in Statesville.
Camden County Jail Funds.

Sec. 65. There is appropriated from the General Fund to the Camden County Historical Society the sum of thirty-seven thousand dollars (\$37,000) for fiscal year 1984-85 to restore the historic Camden County Jail.
Tribal Gathering Funds.

Sec. 66. There is appropriated from the General Fund to Macon County the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for use in staging an event during the 1984-85 fiscal year to recognize and assemble

representatives of the American Indian Tribes, either as part of the Festival of Festivals in Macon County or as a separate event.

Spirit Square Arts Center Funds.

Sec. 67. There is appropriated from the General Fund to Spirit Square Arts Center in Charlotte the sum of sixty-five thousand dollars (\$65,000) for the 1984-85 fiscal year for visual and performing arts and educational activities of the Center.

Mount Pleasant Museum Funds.

Sec. 68. There is appropriated from the General Fund to the Eastern Cabarrus Historical Society the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 to provide funds for a new heating system for the Mount Pleasant Museum.

Fayetteville Museum Branch Funds.

Sec. 69. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of two hundred twenty thousand dollars (\$220,000) for fiscal year 1984-85 to renovate the Highsmith-Rainey Nursing School in Fayetteville for use as a museum service branch of the North Carolina Museum of History in Fayetteville.

William Fields House Funds.

Sec. 70. There is appropriated from the General Fund to the Old Greensborough Preservation Society the sum of twenty-one thousand dollars (\$21,000) for fiscal year 1984-85 for the acquisition, restoration, and maintenance of the William Fields House in Old Greensborough.

Beirut Marine Memorial Funds.

Sec. 71. There is appropriated from the General Fund to the City of Jacksonville, Onslow County, the sum of thirty thousand dollars (\$30,000) for fiscal year 1984-85 to construct a parking lot, at the Beirut Memorial in Jacksonville, honoring the 262 marines who gave their lives in Lebanon, and to purchase equipment to maintain the grounds at the Memorial.

Latham House Funds.

Sec. 72. (a) There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of ten thousand dollars (\$10,000) for the 1984-85 fiscal year to assist in the adaptive restoration of the Latham House in Plymouth, provided a like amount of non-State funds is raised by the Latham Foundation to match this grant-in-aid on a dollar-for-dollar basis.

(b) The activities associated with this appropriation shall be performed in accordance with the standards and guidelines for restoration and rehabilitation projects established by the Division of Archives and History and shall be conducted under the professional supervision of that agency.

Newbold-White House Funds.

Sec. 73. (a) There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1984-85 fiscal year the sum of twenty-five thousand dollars (\$25,000) for further restoration at the Newbold-White House site, including the completion of the David Newby House, period fencing, and funding the position of educational director; provided a like amount of non-State funds is raised by the Perquimans County Restoration Association to match this grant-in-aid on a dollar-for-dollar basis. Local funds spent by the Perquimans County Restoration Association for these purposes since January 1, 1984, shall qualify as matching funds.

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(b) The activities associated with this appropriation shall be performed in accordance with the standards and guidelines for historic preservation projects established by the Division of Archives and History and shall be conducted under the professional supervision of that agency.
Graham Courthouse Funds.

Sec. 74. There is appropriated from the General Fund to Graham County the sum of twenty-eight thousand dollars (\$28,000) for fiscal year 1984-85 to construct an elevator at the Graham County Courthouse to provide the handicapped access to the courthouse.
Madison Historic District Funds.

Sec. 75. There is appropriated from the General Fund to the Madison Historic District Commission the sum of seven thousand dollars (\$7,000) for fiscal year 1984-85 for restoration projects of the Commission in the two historic districts in the Town of Madison in Rockingham County.
Rockingham Theater Funds.

Sec. 76. There is appropriated from the General Fund to the Rockingham County Arts Council, Inc. for fiscal year 1984-85 the sum of fifteen thousand dollars (\$15,000) to renovate the Old Rockingham Theater.
Eden Historic Restoration Funds.

Sec. 77. (a) There is appropriated from the General Fund to the Eden Historic Properties Commission the sum of fifteen thousand dollars (\$15,000) for the 1984-85 fiscal year for historic restoration projects in Eden.

(b) There is appropriated from the General Fund to the Eden Revitalization Committee of the Eden Chamber of Commerce the sum of fifteen thousand dollars (\$15,000) for the 1984-85 fiscal year for historic restoration projects in Eden.
Chicamacomico Funds.

Sec. 78. (a) There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of fifteen thousand dollars (\$15,000) for the 1984-85 fiscal year for the exterior and interior restoration of the Chicamacomico Lifesaving Station, provided a like amount is raised by the Chicamacomico Historical Association, Inc. to match this grant-in-aid on a dollar-for-dollar basis.

(b) The activities associated with this appropriation shall be preformed in accordance with the standards and guidelines for restoration and rehabilitation projects established by the Division of Archives and History and shall be conducted under the professional supervision of that agency.
Kinston Historic Property Funds.

Sec. 79. (a) There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to prepare nominations of Kinston's eligible properties and districts to the National Register of Historic Places.

(b) The nominations for which this section appropriates funds shall be performed in accordance with the standards and guidelines for survey projects established by the Archaeology and Historic Preservation Section of the Division of Archives and History, Department of Cultural Resources, and shall be conducted under the professional supervision of that agency.
Holt House Funds.

Sec. 80. (a) There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1984-85 fiscal year the sum of sixty-eight thousand dollars (\$68,000) to rehabilitate the Holt House and property, provided a like amount of non-State funds is raised by the Town of Holly Springs to match this appropriation on a dollar-for-dollar basis.

(b) The preconstruction and construction activities associated with this appropriation shall be performed in accordance with the standards and guidelines for restoration and rehabilitation projects established by the Division of Archives and History and shall be conducted under the professional supervision of that agency.
Richmond Hill Law School Funds.

Sec. 81. There is appropriated from the General Fund for the 1984-85 fiscal year to the Historic Richmond Hill Law School Commission the sum of ten thousand dollars (\$10,000) for the continuation and completion of initial phases of the restoration of Richmond Hill Law School in Yadkin County.
State Shakespeare Festival Funds.

Sec. 82. There is appropriated from the General Fund to the Department of Cultural Resources the sum of forty thousand dollars (\$40,000) for the 1984-85 fiscal year for production and marketing expenses for the North Carolina Shakespeare Festival. This festival was designated by the General Assembly in 1978 as "the State Shakespeare Festival".
Montgomery Library Funds.

Sec. 83. There is appropriated from the General Fund to the Sandhill Regional Library System the sum of six thousand dollars (\$6,000) for fiscal year 1984-85 to purchase children's books for the Montgomery County Library.
Polk Courthouse Funds.

Sec. 84. There is appropriated from the General Fund to Polk County for the fiscal year 1984-85 the sum of fifteen thousand dollars (\$15,000) to restore the Polk County Courthouse.
Rutherfordton-Norris Lib. Funds.

Sec. 85. There is appropriated from the General Fund to the Norris Public Library in Rutherfordton, Rutherford County, for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) for construction of Norris Public Library.
Rutherford Arts Council Funds.

Sec. 86. There is appropriated from the General Fund to the Rutherford Arts Council for the fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) to promote cultural arts in the county.
Mt. Holly Beautification Funds.

Sec. 87. There is appropriated from the General Fund to the City of Mount Holly the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for a beautification program.
"Sword of Peace" Funds.

Sec. 88. There is appropriated from the General Fund to the Snow Camp Historical Drama Society, Inc. the sum of thirty-five thousand dollars (\$35,000) for the 1984-85 fiscal year to produce the outdoor drama "Sword of Peace".
Spencer Shops Historic Site Funds.

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Sec. 89. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 for the continued rehabilitation and development of the Flue Shop at the Spencer Shops State Historic Site.

Caswell Courthouse Funds.

Sec. 90. There is appropriated from the General Fund to Caswell County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for further restoration of the Old Caswell County Courthouse.

Perry Memorial Library Funds.

Sec. 91. There is appropriated from the General Fund to the H. Leslie Perry Memorial Library in Henderson the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 to provide funds for renovation and equipment.

Pantego Academy Funds.

Sec. 92. There is appropriated from the General Fund to Pantego Academy the sum of eight thousand dollars (\$8,000) for fiscal year 1984-85 to renovate a building at the Academy for use as a library and learning resource center.

Swansboro Bicentennial Park Funds.

Sec. 93. There is appropriated from the General Fund to the Swansboro Two Hundredth Anniversary Celebration Committee the sum of seven thousand five hundred dollars (\$7,500) for fiscal year 1984-85 to provide funds for the Swansboro Bicentennial Park.

Murfreesboro Hist. Assoc. Funds.

Sec. 94. There is appropriated from the General Fund to the Murfreesboro Historical Association, Inc. the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 to restore the John Wheeler House and the Murfree Law Office in Murfreesboro.

Northampton Museum Funds.

Sec. 95. There is appropriated from the General Fund to Northampton County Museum, Inc. the sum of eleven thousand dollars (\$11,000) for fiscal year 1984-85 to renovate the Northampton Museum and prepare exhibits at the Museum.

Winton's Brown Hall Funds.

Sec. 96. There is appropriated from the General Fund to the Town of Winton in Hertford County the sum of nineteen thousand dollars (\$19,000) for fiscal year 1984-85 to renovate Brown Hall.

Historic Hope Plantation Funds.

Sec. 97. There is appropriated from the General Fund to the Historic Hope Foundation the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to plan and design an educational visitors center for Historic Hope Plantation in Bertie County.

King Bazemore House Funds.

Sec. 98. There is appropriated from the General Fund to the Historic Hope Foundation the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to restore the King Bazemore House located near Windsor, Bertie County.

Asa Biggs Homeplace Funds.

Sec. 99. There is appropriated from the General Fund to the Martin County Historical Society, Inc. the sum of two thousand five hundred dollars

(\$2,500) for fiscal year 1984-85 to restore the Asa Biggs homeplace in Williamston, Martin County.
Gallery Theatre Funds.

Sec. 100. There is appropriated from the General Fund to the Town of Ahoskie in Hertford County the sum of seven thousand five hundred dollars (\$7,500) for fiscal year 1984-85 for the continued restoration and renovation of the Gallery Theatre in Ahoskie.
Martin County Players Funds.

Sec. 101. There is appropriated from the General Fund to the Martin County Players the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to continue the cultural arts program in Martin County and northeastern North Carolina.
Greene County Arts Council Funds.

Sec. 102. There is appropriated from the General Fund to the Greene County Arts Council the sum of one thousand five hundred dollars (\$1,500) for fiscal year 1984-85 for cultural programs in the Town of Snow Hill.
Fort Fisher Ferry Guide Funds.

Sec. 103. There is appropriated from the General Fund to the Department of Cultural Resources, Historic Sites Section, the sum of four thousand dollars (\$4,000) for fiscal year 1984-85 to provide an oral history tour guide on the Southport Fort Fisher Ferry during the summer season.
4th of July Festival Funds.

Sec. 104. There is appropriated from the General Fund to the North Carolina 4th of July Festival, Inc. the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to sponsor the annual 4th of July Festival in Southport.
Oyster Festival Funds.

Sec. 105. There is appropriated from the General Fund to the North Carolina Oyster Festival, Inc. the sum of one thousand five hundred dollars (\$1,500) for fiscal year 1984-85 to sponsor the annual Oyster Festival in Brunswick County.
Leland Library Funds.

Sec. 106. There is appropriated from the General Fund to the Leland Branch of the Southport-Brunswick County Library the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 to purchase computer equipment.
Brunswick Historic Site Funds.

Sec. 107. There is appropriated from the General Fund to the Department of Cultural Resources, Historic Sites Section, the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 to assist Revolution, Inc. in constructing an amphitheater at the Brunswick Town State Historic Site.
Johnston County Choral Soc. Funds.

Sec. 108. There is appropriated from the General Fund to the Johnston County Choral Society the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for musical supplies and travel expenses.
Johnston County Library Funds.

Sec. 109. There is appropriated from the General Fund to the Public Library of Johnston County and Smithfield the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for capital improvements.
Artspace, Inc. Funds.

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Sec. 110. There is appropriated from the General Fund to Artspace, Inc. of Raleigh the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 to provide space for local artists to work and to exhibit their artwork. Cary Historical Clock Funds.

Sec. 111. There is appropriated from the General Fund to the Cary Historical Planning Appearance Commission the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to install a historical clock in the Town of Cary and to landscape around the clock. Morrisville Town Hall Funds.

Sec. 112. There is appropriated from the General Fund to the Town of Morrisville the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to restore the former Morrisville Town Hall. Carolina Theater/Raleigh Funds.

Sec. 113. There is appropriated from the General Fund to Carolina Regional Theater of Raleigh the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Spring Hill House Funds.

Sec. 114. (a) There is appropriated from the General Fund to the Dorothea Dix Volunteer Service Guild, Inc. the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 for restoration and preservation of the Spring Hill House and property, including the grave of Colonel Theophilus Hunter.

(b) The activities associated with this appropriation shall be conducted in accordance with the criteria and guidelines set for historic preservation projects by the Division of Archives and History, Department of Cultural Resources, and shall be conducted under the professional supervision of that agency. Chapel Hill Preservation Funds.

Sec. 115. There is appropriated from the General Fund to the Chapel Hill Preservation Society the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 for preservation projects of the Society. Alexander Dickson House Fund.

Sec. 116. There is appropriated from the General Fund to the Preservation Fund of Hillsborough, Inc. the sum of thirteen thousand seven hundred fifty dollars (\$13,750) for fiscal year 1984-85 to restore the Alexander Dickson House in Hillsborough and to develop educational programs at the House upon completion of the restoration. Malcolm Blue Farm Funds.

Sec. 117. There is appropriated from the General Fund to the Malcolm Blue Historical Society the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses of the Malcolm Blue Farm in Moore County. Weymouth Center Funds.

Sec. 118. There is appropriated from the General Fund to the Friends of Weymouth, Inc. the sum of nine thousand dollars (\$9,000) for fiscal year 1984-85 for the enhancement of the cultural purposes of the Weymouth Center. Moore County Library Funds.

Sec. 119. There is appropriated from the General Fund to the Sandhill Regional Library System the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 to purchase a microfilm reader and other equipment for Moore County Library. Aberdeen Station Funds.

Sec. 120. There is appropriated from the General Fund to the Union Station Preservation Association the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for the adaptive restoration of Union Station in Aberdeen as a community center.

Kemp Memorial Library Funds.

Sec. 121. There is appropriated from the General Fund to Kemp Memorial Library in Ellerbe the sum of thirty-seven thousand dollars (\$37,000) for fiscal year 1984-85 for capital improvements.

Richmond Pearson House Funds.

Sec. 122. There is appropriated from the General Fund to the Preservation Society of Asheville and Buncombe County, Inc. the sum of nineteen thousand five hundred dollars (\$19,500) for fiscal year 1984-85 for the preservation of the Richmond Pearson House, listed on the National Register of Historic Places.

Flat Rock Playhouse Funds.

Sec. 123. There is appropriated from the General Fund to the State Theater of North Carolina in Flat Rock (Vagabond School of Drama) the sum of twelve thousand eight hundred dollars (\$12,800) for fiscal year 1984-85 for a new roof for the Flat Rock Playhouse.

YMI Cultural Center Funds.

Sec. 124. There is appropriated from the General Fund to the Young Men's Institute Cultural Center, Inc. in Asheville the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 to preserve the Center, which is listed on the National Register of Historic Places.

Western Arts Council Funds.

Sec. 125. There is appropriated from the General Fund to the Community Arts Council of Western North Carolina the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 to plan an arts and science complex at Pack Square in Asheville.

Granville Arts Council Funds.

Sec. 126. There is appropriated from the General Fund to the Granville County Arts Council the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Granville Hist. Society Funds.

Sec. 127. There is appropriated from the General Fund to the Granville Historical Society the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for projects of the Society.

Lakeland Arts Center Funds.

Sec. 128. There is appropriated from the General Fund to the Lakeland Arts Center in Littleton, Halifax County, the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

"Blackbeard" Outdoor Drama Funds.

Sec. 129. There is appropriated from the General Fund to the Committee for an Outdoor Drama at Bath, Inc. the sum of eight thousand dollars (\$8,000) for fiscal year 1984-85 to produce the outdoor drama "Blackbeard—The Knight of the Black Flag".

Aurora Library Funds.

Sec. 130. There is appropriated from the General Fund to the Aurora Community Library in Beaufort County the sum of four thousand dollars (\$4,000) for fiscal year 1984-85 for building repairs.

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Lenoir Historical Assoc. Funds.

Sec. 131. There is appropriated from the General Fund to the Lenoir County Historical Association, Inc. the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for historic preservation projects of the Association.
Farmville Public Library Funds.

Sec. 132. There is appropriated from the General Fund to the Town of Farmville Public Library the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Ayden Public Library Funds.

Sec. 133. There is appropriated from the General Fund to the Quinerly-Olschener Public Library in the Town of Ayden the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Sheppard Memorial Library Funds.

Sec. 134. There is appropriated from the General Fund to Sheppard Memorial Library in the City of Greenville the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Duplin Arts Council Funds.

Sec. 135. There is appropriated from the General Fund to the Duplin County Arts Council the sum of seven thousand dollars (\$7,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Gilbert Patterson Library Funds.

Sec. 136. There is appropriated from the General Fund to the Gilbert Patterson Memorial Library in the Town of Maxton the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 for capital improvements.
Rowland Depot Restoration Funds.

Sec. 137. There is appropriated from the General Fund to the Rowland Historical Society the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to renovate the Rowland Depot.
St. Pauls Library Funds.

Sec. 138. There is appropriated from the General Fund to the Town of St. Pauls Library the sum of nine thousand dollars (\$9,000) for fiscal year 1984-85 for equipment.
"Strike at the Wind" Funds.

Sec. 139. There is appropriated from the General Fund to Robeson Historical Drama, Inc. the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 to produce the outdoor drama "Strike at the Wind".
Reidsville Historic Prop. Funds.

Sec. 140. (a) There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of twenty-three thousand dollars (\$23,000) for fiscal year 1984-85 to prepare nominations of Reidsville's eligible properties and districts to the National Register of Historic Places.

(b) The nominations for which this section appropriates funds shall be prepared in accordance with the standards and guidelines for survey projects established by the Archaeology and Historic Preservation Section of the Division of Archives and History, Department of Cultural Resources, and shall be conducted under the professional supervision of that agency.

Sec. 141. There is appropriated from the General Fund to the Burlington Boys Choir the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Penn House Funds.

Sec. 142. There is appropriated from the General Fund to the City of Reidsville the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for capital improvements, grounds improvements, or renovation of the Penn House and its outbuildings.
Badin Library Funds.

Sec. 143. There is appropriated from the General Fund to the Better Badin, Inc., the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 to purchase a photocopier for use in the Badin Branch of the Stanly County Library.
Davidson Hist. Assoc. Funds.

Sec. 144. There is appropriated from the General Fund to the Davidson County Historical Association the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses of the Association.
Rockford Restoration Funds.

Sec. 145. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 to assist the Rockford Preservation Society, Inc. in rehabilitating the four historic buildings in Surry County that are owned or leased by the Society.
Edward Franklin House Funds.

Sec. 146. There is appropriated from the General Fund to the Surry County Historical Society the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1984-85 to assist the Society in the continued restoration of the Edward Franklin House.
Rock House Funds.

Sec. 147. There is appropriated from the General Fund to the Stokes County Historical Society the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to assist the Rock House Committee in the continued restoration of the Rock House.
Stokes Great Ways Road Funds.

Sec. 148. There is appropriated from the General Fund to the Stokes County Great Ways Road Commission the sum of one thousand eight hundred dollars (\$1,800) for fiscal year 1984-85 as a grant-in-aid for operating expenses of the Commission.
Ashe Historical Society Funds.

Sec. 149. There is appropriated from the General Fund to the Ashe County Historical Society the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
“From this Day Forward” Funds.

Sec. 150. There is appropriated from the General Fund to The Outdoor Theatre Fund Charitable Trust the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to produce the outdoor drama “From this Day Forward”.
Farmville Arts Council Funds.

Sec. 151. There is appropriated from the General Fund to the Farmville Community Arts Council the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Grifton Historical Museum Funds.

Sec. 152. There is appropriated from the General Fund to the Grifton Historical Museum the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Ayden-Grifton Drama Playhouse Funds.

Sec. 153. There is appropriated from the General Fund to the Ayden-Grifton Drama Playhouse the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Craven Courthouse Funds.

Sec. 154. (a) There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1984-85 fiscal year the sum of twenty thousand dollars (\$20,000) to restore the Craven County Courthouse, provided a like amount of non-State funds is raised by the Craven County Board of Commissioners to match this appropriation on a dollar-for-dollar basis.

(b) The preconstruction and construction activities associated with this appropriation shall be performed in accordance with the standards and guidelines for restoration and rehabilitation projects established by the Division of Archives and History and shall be conducted under the professional supervision of that agency.

Catawba Arts Funds.

Sec. 155. There is appropriated from the General Fund to the Catawba County Council for the Arts the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Operation Raleigh Funds.

Sec. 156. There is appropriated from the General Fund to Operation Raleigh, Inc. the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
McDowell Arts and Crafts Funds.

Sec. 157. There is appropriated from the General Fund to the McDowell Arts and Crafts Association the sum of seven thousand five hundred dollars (\$7,500) for the 1984-85 fiscal year for repairs, renovation, and equipment.

Canton Memorial Armory Funds.

Sec. 158. There is appropriated from the General Fund to the Town of Canton the sum of thirty thousand dollars (\$30,000) for fiscal year 1984-85 to renovate the Canton Memorial Armory.
Pittsboro Community House Funds.

Sec. 159. (a) There is appropriated from the General Fund to the Town of Pittsboro the sum of six thousand five hundred dollars (\$6,500) for fiscal year 1984-85 for renovation and restoration of the Pittsboro Community House.

(b) The activities for which this section appropriates funds shall be performed in accordance with the criteria and guidelines set for restoration and rehabilitation projects by the Division of Archives and History, Department of Cultural Resources, and shall be performed under the professional supervision of that agency.

Kinston Library Funds.

Sec. 160. There is appropriated from the General Fund to the Neuse Regional Library System the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for the Kinston-Lenoir County Library.

Andrew Jackson Memorial Funds.

Sec. 161. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of twenty-eight thousand dollars (\$28,000) for fiscal year 1984-85 to construct a memorial to Andrew Jackson in the Waxhaw region in accordance with the recommendation of the Andrew Jackson Memorial Committee.

Carolina Theater Funds.

Sec. 162. There is appropriated from the General Fund to the Carolina Civic Center Foundation for fiscal year 1984-85 the sum of twenty thousand dollars (\$20,000) to rehabilitate the Carolina Theater in Robeson County.

Thomasville Library Fund.

Sec. 163. There is appropriated from the General Fund to the Thomasville Public Library the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Nash Historical Assoc. Funds.

Sec. 163.1. There is appropriated from the General Fund to the Nash County Historical Association the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 for capital improvements to Stonewall, also known as the Lewis House.

Rock School House Funds.

Sec. 163.2. There is appropriated from the General Fund to the Valdese Historical Foundation, Inc., the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 to renovate the Rock School House.

Public Library Funds.

Sec. 163.3. There is appropriated from the General Fund for fiscal year 1984-85 the sum of thirty thousand dollars (\$30,000) as a grant-in-aid for operating expenses to five public libraries to be distributed as follows: the sum of ten thousand dollars (\$10,000) to the Spring Hope Public Library; the sum of five thousand dollars (\$5,000) to the Middlesex Public Library; the sum of five thousand dollars (\$5,000) to the Bailey Public Library; the sum of five thousand dollars (\$5,000) to the Nashville Public Library; and the sum of five thousand dollars (\$5,000) to the Whitakers Public Library.

Hotel Freeman Restoration Funds.

Sec. 163.4. There is appropriated from the General Fund to the Town of Windsor the sum of five thousand dollars (\$5,000) for the 1984-85 fiscal year to restore the Hotel Freeman located in the Town of Windsor.

Part 2. - Education

W. Rock. School/Shiloh Fire Funds.

Sec. 164. There is appropriated from the General Fund to the Western Rockingham City School Administrative Unit for fiscal year 1984-85 the sum of seventy thousand dollars (\$70,000) for land acquisition and capital improvements. There is appropriated from the General Fund to the Shiloh Volunteer Fire Department in Rockingham County the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 for purchase of equipment and/or operational expenses.

Matthews School Bldg. Restoration.

Sec. 165. There is appropriated from the General Fund to Matthews Elementary School in Matthews, the sum of twenty-five thousand dollars (\$25,000) for the fiscal year 1984-85 as a grant-in-aid for restoration of the school building.

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Finch Field Lights.

Sec. 166. There is appropriated from the General Fund to the City of Thomasville the sum of thirty-two thousand dollars (\$32,000) for the fiscal year 1984-85 as a grant-in-aid for installation of lights at Finch Field.
Wilkes Comm. College Improv.

Sec. 167. There is appropriated from the General Fund to the Department of Community Colleges the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1984-85 for capital improvements at Wilkes County Community College.
UNC Asheville Athletic Facilities.

Sec. 168. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one hundred thirty-eight thousand two hundred dollars (\$138,200) for fiscal year 1984-85 for construction of athletic fields for physical education and other activities at the University of North Carolina at Asheville.
WUNF Capital Improvements.

Sec. 169. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 for capital improvements for the WUNF radio station at the University of North Carolina at Asheville.
Haywood Educational Enrichment.

Sec. 170. There is appropriated from the General Fund to the Haywood County Board of Education the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for operation of the Community Educational Enrichment Program.
W. Carolina Historical Exhibit.

Sec. 171. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 for the preservation of historical projects of the Scotch-Irish exhibit in the Mountain Heritage Center at Western Carolina University.
Cherokee School Enrichment.

Sec. 172. There is appropriated from the General Fund to the Cherokee County Board of Education the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for enrichment of the school programs.
Macon Supplemental Schl. Programs.

Sec. 173. There is appropriated from the General Fund to the Macon County Board of Education the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for supplemental and enrichment programs in the schools.
Jackson County School Programs.

Sec. 174. There is appropriated from the General Fund to the Jackson County Board of Education the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for enrichment of school programs.
Graham County School Enrichment.

Sec. 175. There is appropriated from the General Fund to the Graham County Board of Education the sum of two thousand five hundred dollars (\$2,500) for the fiscal year 1984-85 as a grant-in-aid for enrichment of the school programs.
Clay County School Enrichment.

Sec. 176. There is appropriated from the General Fund to the Clay County Board of Education the sum of two thousand five hundred dollars (\$2,500) for the fiscal year 1984-85 as a grant-in-aid for enrichment activities in the schools.

Swain School Enrichment.

Sec. 177. There is appropriated from the General Fund to the Swain County Board of Education the sum of two thousand five hundred dollars (\$2,500) for the fiscal year 1984-85 as a grant-in-aid for supplemental and enrichment programs in the schools.

Henderson Co. Schl. Enrichment.

Sec. 178. There is appropriated from the General Fund to the Henderson County Board of Education the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for enrichment of the school programs.

Hendersonville City Schl. Enrich.

Sec. 179. There is appropriated from the General Fund to the Hendersonville City Board of Education the sum of one thousand five hundred dollars (\$1,500) for the fiscal year 1984-85 as a grant-in-aid for enrichment of the school programs.

Transylvania Co. Schl. Enrichment.

Sec. 180. There is appropriated from the General Fund to the Transylvania County Board of Education the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for enrichment of the school program.

Polk Co. Schl. Enrichment.

Sec. 181. There is appropriated from the General Fund to the Polk County Board of Education the sum of two thousand five hundred dollars (\$2,500) for the fiscal year 1984-85 as a grant-in-aid for enrichment of the school programs.

Tryon City Schl. Enrichment.

Sec. 182. There is appropriated from the General Fund to the Tryon City Board of Education the sum of one thousand dollars (\$1,000) for the fiscal year 1984-85 as a grant-in-aid for enrichment of the school programs.

Comm. College Area Coordinator.

Sec. 183. There is appropriated from the General Fund to the Department of Community Colleges the sum of thirty thousand dollars (\$30,000) for the fiscal year 1984-85 to hire an area economic development coordinator for northeastern North Carolina.

WFAE Public Radio Funds.

Sec. 184. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of fifty-five thousand dollars (\$55,000) for the 1984-85 fiscal year for the operating and capital expenses of Public Radio Station WFAE.

Herman Park, 4-H, Schl. Funds.

Sec. 185. (a) There is appropriated from the General Fund to the Goldsboro Community Arts Council, Inc., (GCAC, Inc.) the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 as a grant-in-aid to purchase portable platform units to provide elevated theatre seating in the multi-purpose room of the Herman Park Center and to make other improvements to the stage.

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Except for improvements to the building, all other purchases made with this grant-in-aid shall be the property of GCAC, Inc.

(b) There is appropriated from the General Fund to Wayne County 4-H Development Fund the sum of twenty-five thousand dollars (\$25,000) for the 1984-85 fiscal year for a grant-in-aid to contribute in the establishment of an endowment fund, the income from which is to be used for the development of 4-H programs in Wayne County.

(c) There is appropriated from the General Fund to the Goldsboro City School Endowment Fund the sum of five thousand dollars (\$5,000) for the 1984-85 fiscal year for a grant-in-aid to an endowment fund, the income of which is to be used for educational enrichment programs in the Goldsboro City Schools.

NCCU Celebration.

Sec. 186. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina for fiscal year 1984-85 the sum of fifteen thousand dollars (\$15,000) for the seventy-fifth anniversary celebration of North Carolina Central University.

Wayne Homework Hotline.

Sec. 187. There is appropriated from the General Fund to the Wayne County Public Library the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 as a grant-in-aid to establish a homework hotline pilot program for Wayne County for the 1984-85 school year. The Public Library shall prepare a quarterly report, which shall be available to the public, reflecting the utilization and effectiveness of the program.

Carol C. Wilson Scholarship.

Sec. 188. There is appropriated from the General Fund to the Carol C. Wilson Memorial Scholarship Fund, Inc., the sum of three thousand five hundred dollars (\$3,500) for fiscal year 1984-85 as a grant-in-aid for scholarships.

ECU Summer Theater.

Sec. 189. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 for the operation of a summer theater at East Carolina University.

ECU Friends of Music.

Sec. 190. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one thousand dollars (\$1,000) for the fiscal year 1984-85 as a grant-in-aid for the operation of the Friends of Music Program at East Carolina University.

Wallace-Rose Hill Athletic Facility.

Sec. 191. There is appropriated from the General Fund to the Wallace-Rose Hill High School Athletic Boosters Club the sum of three thousand five hundred dollars (\$3,500) as a grant-in-aid for the fiscal year 1984-85 for improvement of athletic facilities.

Kenan High School Athletic Facility.

Sec. 192. There is appropriated from the General Fund to the James Kenan High School Athletic Boosters Club the sum of three thousand five hundred dollars (\$3,500) for the fiscal year 1984-85 as a grant-in-aid for improvement of athletic facilities.

North Duplin Athletic Facilities.

Sec. 193. There is appropriated from the General Fund to the North Duplin High School Athletic Boosters Club the sum of three thousand five hundred dollars (\$3,500) for the fiscal year 1984-85 as a grant-in-aid for improvement of athletic facilities.
East Duplin Athletic Facilities.

Sec. 194. There is appropriated from the General Fund to the East Duplin High School Athletic Boosters Club the sum of three thousand five hundred dollars (\$3,500) for the fiscal year 1984-85 as a grant-in-aid for improvement of athletic facilities.
Jones Senior High Athletic Facil.

Sec. 195. There is appropriated from the General Fund to the Jones Senior High School Athletic Boosters Club the sum of three thousand five hundred dollars (\$3,500) for the fiscal year 1984-85 as a grant-in-aid for improvement of athletic facilities.
Sampson Alumni Renovation.

Sec. 196. There is appropriated from the General Fund to the Sampson Alumni Association the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for renovation of an old school building.
Topsail High School Improvements.

Sec. 197. There is appropriated from the General Fund to the Topsail High School Athletic Boosters the sum of two thousand dollars (\$2,000) for the fiscal year 1984-85 as a grant-in-aid for football field improvements.
Johnston Tech. Fire Tower.

Sec. 198. There is appropriated from the General Fund to the Department of Community Colleges the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 to provide funds for the construction of a fire and rescue tower at Johnston Technical College.
Whiteville Schl. Auditorium Res.

Sec. 199. There is appropriated from the General Fund to Friends of the Auditorium, Inc., the sum of thirty thousand dollars (\$30,000) for the fiscal year 1984-85 as a grant-in-aid for restoration of the Whiteville High School Auditorium.
J.C. Jones Scholarship.

Sec. 200. There is appropriated from the General Fund to the J.C. Jones Scholarship Fund the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for an endowment for scholarships.
Harnett County Schools.

Sec. 201. There is appropriated from the General Fund to the Harnett County Board of Education the sum of two thousand five hundred dollars (\$2,500) for the fiscal year 1984-85 as a grant-in-aid for special equipment for the Exceptional Children's Program and the sum of six thousand five hundred dollars (\$6,500) for the fiscal year 1984-85 as a grant-in-aid for computer education in Harnett County in the Excellence in Science and Mathematics Program.
Johnston County Cultural Arts.

Sec. 202. There is appropriated from the General Fund to the Johnston County Board of Education the sum of fifteen thousand dollars (\$15,000) for the fiscal year 1984-85 as a grant-in-aid for enrichment of the cultural arts in the public schools.
Shelley School Child Development.

Sec. 203. There is appropriated from the General Fund to the Shelley Child Development Center in Wake County the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 as a grant-in-aid for the operation of the Center.

Davidson Cty. Comm. Col.

Sec. 204. There is appropriated from the General Fund to the Department of Community Colleges the sum of twenty-five thousand dollars (\$25,000) for the fiscal year 1984-85 for the Davidson County Community College Bienstock project.

Afro-Academic Olympics.

Sec. 205. There is appropriated from the General Fund to the Winston-Salem chapter of the NAACP the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for the Afro-American Cultural, Technological and Scientific Olympics, Winston-Salem unit.
Freedom High Fitness Program.

Sec. 206. There is appropriated from the General Fund to the Freedom High School Athletic Foundation the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 as a grant-in-aid for a physical fitness room in the new physical education facility.

East Burke Track Improvements.

Sec. 207. There is appropriated from the General Fund to the East Burke High School Boosters Club the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 as a grant-in-aid for improvement of the track at the school.

Washington Civic Center.

Sec. 208. There is appropriated from the General Fund to the Washington Civic Center the sum of ten thousand dollars (\$10,000) for the 1984-85 fiscal year as a grant-in-aid for operating expenses.

Part 3. - Human Resources

Eastern School for Deaf Funds.

Sec. 209. There is appropriated from the General Fund to the Department of Human Resources the sum of sixty-seven thousand seven hundred thirty-five dollars (\$67,735) for the 1984-85 fiscal year for buildings and equipment to provide accurate and appropriate audiometric testing services at the Eastern North Carolina School for the Deaf in Wilson.

Dix Adolescent Treatment Funds

Sec. 210. There is appropriated from the General Fund to the Adolescent Treatment Program at Dorothea Dix Hospital the sum of fifty-five thousand seven hundred dollars (\$55,700) for the 1984-85 fiscal year to upgrade the physical activities, music therapy, and art therapy programs for adolescents.

Autistic Adult Group Home.

Sec. 211. There is appropriated from the General Fund the sum of ninety thousand dollars (\$90,000) for fiscal year 1984-85 to the Department of Human Resources, Division of Mental Health, Mental Retardation and Substance Abuse Services. These funds shall be used to start up and operate a group home for high functioning autistic adults.

Gate City Jr. Tennis Acad. Funds.

Sec. 212. There is appropriated from the General Fund to the Gate City Junior Tennis Academy the sum of eight thousand dollars (\$8,000) in fiscal year

1984-85. At least four thousand dollars (\$4,000) of this appropriation shall be used for full or partial grants to youth from low-income families and the balance of the funds shall be a grant-in-aid for operating expenses.

421 Sanitary Dist. Funds.

Sec. 213. There is appropriated from the General Fund to the 421 West Sanitary District in Wilkes County the sum of twenty thousand dollars (\$20,000) for the 1984-85 fiscal year for planning and construction.

Waynesville Armory Renov. Funds.

Sec. 214. There is appropriated from the General Fund to the Town of Waynesville for fiscal year 1984-85 the sum of thirty thousand dollars (\$30,000) for the renovation and operation of the Armory for use as a Senior Citizens Center.

Onslow Aging Council.

Sec. 215. There is appropriated from the General Fund to the Onslow Coordinating Council on Aging the sum of thirty thousand dollars (\$30,000) for fiscal year 1984-85 for renovations to buildings and to purchase equipment.

United Services for Older Adults.

Sec. 216. There is appropriated from the General Fund to United Services for Older Adults, Incorporated, the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for the Mobile Meals Program in Greensboro. Greensboro Family Services.

Sec. 217. There is appropriated from the General Fund to Family and Childrens Services of Greensboro, Incorporated, the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 for the Stepping Stones Playschool Building Fund.

Teen Challenge of Greensboro.

Sec. 218. There is appropriated from the General Fund to Greater Piedmont Teen Challenge of Greensboro the sum of thirty thousand dollars (\$30,000) for fiscal year 1984-85 for the reduction of capital indebtedness for the drug rehabilitation program.

Winston-Salem YWCA.

Sec. 219. There is appropriated from the General Fund to the Forsyth County Department of Social Services for the Winston-Salem Y.W.C.A. the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 to continue work with women ex-offenders through Project New Start, work with handicapped teens, and for day care services to children and older adults.

Pinetree Enterprises.

Sec. 220. There is appropriated from the General Fund to Pinetree Enterprises, a sheltered workshop, the sum of nine thousand dollars (\$9,000) for fiscal year 1984-85 for the purchase of equipment.

Moore Co. Children's Ctr.

Sec. 221. There is appropriated from the General Fund to the Moore County Children's Center the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Orange Industries, Inc.

Sec. 222. There is appropriated from the General Fund to Orange Industries, Incorporated, the sum of thirty thousand dollars (\$30,000) for fiscal year 1984-85 for capital improvements to the sheltered workshop.

Franklin Senior Citizens Fund.

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Sec. 223. There is appropriated from the General Fund to the Franklin County Senior Citizens Fund the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for transportation services to senior citizens in Franklin County. Columbus Senior Citizens Center.

Sec. 224. There is appropriated from the General Fund to the Columbus County Senior Citizens Center the sum of fourteen thousand dollars (\$14,000) for fiscal year 1984-85 for construction of a senior citizens center in Columbus County on a county-owned site in Whiteville. Forsyth Council on Drug Abuse.

Sec. 225. There is appropriated from the General Fund to the Forsyth County Council on Drug Abuse the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 for the continuation of the Treatment Alternatives for Street Crimes Program in Forsyth County. Davidson Domestic Violence Funds.

Sec. 226. There is appropriated from the General Fund to the Davidson County Domestic Violence Service the sum of seven thousand five hundred dollars (\$7,500) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Rowan Retarded Citizens Funds.

Sec. 227. There is appropriated from the General Fund to the Rowan County Association for Retarded Citizens the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Shelby Children's Center Funds.

Sec. 228. There is appropriated from the General Fund to The Children's Center of Shelby the sum of eighty thousand dollars (\$80,000) for fiscal year 1984-85 for capital improvements. Robeson Community Center Funds.

Sec. 229. There is appropriated from the General Fund to the Robeson County Church and Community Center the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for South Robeson Improvement Association to furnish transportation services for senior citizens to medical appointments and for "Meals on Wheels".

Expenditures made pursuant to this section shall be used for secular purposes. Center for Human Devel. Funds.

Sec. 230. There is appropriated from the General Fund to Northeast Center for Human Development the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Durham United Urban Ministries.

Sec. 231. There is appropriated from the General Fund to United Urban Ministries of Durham the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1984-85 for support of the "Meals on Wheels" program. Expenditures made pursuant to this section shall be used for secular purposes. Foothills Mental Health Funds.

Sec. 232. There is appropriated from the General Fund to Foothills Area Mental Health Center the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for development of a treatment program for chronic alcoholics in McDowell County. Catawba Sheltered Workshop Funds.

Sec. 233. There is appropriated from the General Fund to Catawba County Sheltered Workshop the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Western Carolina Center Funds.

Sec. 234. There is appropriated from the General Fund to Western Carolina Center in Morganton the sum of thirty thousand (\$30,000) for fiscal year 1984-85 for furnishings at the Western Carolina Center.
Watauga Senior Citizens Funds.

Sec. 235. There is appropriated from the General Fund to Watauga County Commissioners the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for construction of a senior citizens center.
Warren County Hospital.

Sec. 236. There is appropriated from the General Fund to Warren County Board of Commissioners the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 for a grant to support a rural community health center.
Community Develop. School Funds.

Sec. 237. There is appropriated from the General Fund to the Community Development School in Wayne County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Matthews HELP Center Funds.

Sec. 238. There is appropriated from the General Fund to Matthews HELP Center the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Yancey Council Funds.

Sec. 239. There is appropriated from the General Fund to Yancey County Council, Inc., the sum of six thousand dollars (\$6,000) for fiscal year 1984-85 for a grant-in-aid for repairs, renovation and equipment for a building for the Committee on Aging.
Charlotte Family Support Center.

Sec. 240. There is appropriated from the General Fund to Family Support Center, Inc., the sum of thirty-five thousand dollars (\$35,000) for the fiscal year 1984-85, as a grant-in-aid for the purpose of preventing child abuse in Mecklenburg County.
Tammy Lynn Funds.

Sec. 241. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation and Substance Abuse Services, the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to provide funds to the intermediate care facility for the mentally retarded at the Tammy Lynn Center.
Approp. - Wesley Hall of Alamance.

Sec. 242. There is appropriated from the General Fund to Wesley Hall of Alamance, Inc., the sum of thirty-five thousand dollars (\$35,000) for the fiscal year 1984-85 for the replacement of old equipment, staff training, and recreational and resocialization needs.
Mecklenburg Youth Council Funds.

Sec. 243. There is appropriated from the General Fund to Charlotte-Mecklenburg Youth Council, Inc., the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85, as a grant-in-aid to provide operating expenses for the Charlotte-Mecklenburg Youth Council.
Gaston Battered Spouse Funds.

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Sec. 244. There is appropriated from the General Fund to the Department of Human Resources the sum of twenty-five thousand dollars (\$25,000) for the 1984-85 fiscal year as a grant-in-aid for operating expenses for the Battered Spouse Program in Gaston County.
Wake Respite Care Funds.

Sec. 245. There is appropriated from the General Fund to the Division of Mental Health, Mental Retardation and Substance Abuse Services of the Department of Human Resources for fiscal year 1984-85 the sum of twelve thousand dollars (\$12,000) for respite care services administered by the Wake County Association for Retarded Citizens.
DHA Youth Enrichment Prog. Funds.

Sec. 246. There is appropriated from the General Fund to the Housing Authority of the City of Durham the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses to implement a youth enrichment experience program for public housing youths.
Orange-Durham YWCA Coalition.

Sec. 247. There is appropriated from the General Fund to the Orange-Durham YWCA Coalition for Battered Women the sum of two thousand five hundred dollars (\$2,500) for the 1984-85 fiscal year for the operation of a shelter for battered women and their children, and for the provision of other services to battered women.
Lincoln Health Center Funds.

Sec. 248. There is appropriated from the General Fund to the Lincoln Community Health Center, Inc., of Durham the sum of five thousand dollars (\$5,000) for the 1984-85 fiscal year for assistance for unmet capital needs of the Center.
Wayne Sheltered Workshop Funds.

Sec. 249. There is appropriated from the General Fund to the Wayne County Sheltered Workshop the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 for operational expenses. Ten thousand dollars (\$10,000) shall be used for transportation fares and ten thousand dollars (\$10,000) shall be used at the discretion of the board of directors to support the programs of the workshop.
Greene Co. Senior Citizens Center.

Sec. 250. There is appropriated from the General Fund to the Greene County Senior Citizens Center the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 to provide transportation and recreational services for the county's senior citizens.
Pitt Co. Family Violence Center.

Sec. 251. There is appropriated from the General Fund to the Pitt County Family Violence Center the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 to provide funds to supplement operating expenses for the family violence center.
Pitt Co. Senior Citizens Center.

Sec. 252. There is appropriated from the General Fund to the Pitt County Senior Citizens Center the sum of four thousand dollars (\$4,000) for fiscal year 1984-85 for furniture and equipment for the center.
Tri-County Rehab-Rocky Mount.

Sec. 253. There is appropriated from the General Fund to Tri-County Industries for the Handicapped, Inc., Rehabilitation Facility at Rocky Mount,

the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to provide basic computer training for the handicapped and to assist the facility in being more energy efficient.

Learning Enrichment Program.

Sec. 254. There is appropriated from the General Fund to the E.E. Smith Association of Alumni and Friends, Incorporated the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 to assist the public tutoring program.

Cumberland Assn. for Retarded.

Sec. 255. There is appropriated from the General Fund to the Cumberland County Association for the Retarded the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 to aid autistic children in the Cumberland County area.

Fayetteville Senior Citizens Ctr.

Sec. 256. There is appropriated from the General Fund to the Senior Citizens Center of the City of Fayetteville Cumberland County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to provide transportation services for the city's senior citizens.

Sampson Dog Pound.

Sec. 257. There is appropriated from the General Fund to the Sampson County Commissioners the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to supplement local funds for the costs of operating the new dog pound now being built.

Davidson M. H. Assn.

Sec. 258. There is appropriated from the General Fund to the Davidson County Mental Health Association the sum of fourteen thousand dollars (\$14,000) for fiscal year 1984-85 to continue to provide services to the citizens of Davidson County. Funds are to be expended to supplement the operating budget at the discretion of the Board of Directors of the Association.

Davidson Sheltered Workshop.

Sec. 259. There is appropriated from the General Fund to the Davidson County Sheltered Workshop the sum of fourteen thousand dollars (\$14,000) for fiscal year 1984-85 to provide additional operating funds for the workshop.

Davidson Retarded Children.

Sec. 260. There is appropriated from the General Fund to Davidson County Association for Retarded Children the sum of fourteen thousand dollars (\$14,000) for fiscal year 1984-85 to continue to serve retarded children in Davidson County. These funds are to be expended at the discretion of the Board of Directors for operating expenses or capital improvements.

Chatham Trades.

Sec. 261. There is appropriated from the General Fund to Chatham Trades, Inc., the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to provide solar construction funds for low-income Chatham County residents.

Orange Women's Ctr.

Sec. 262. There is appropriated from the General Fund to the Orange County Women's Center the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to provide additional operating expenses to assist the Center in meeting the needs of the women of Orange County.

Oakboro Community Bldg.

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Sec. 263. There is appropriated from the General Fund to the Town of Oakboro the sum of four thousand dollars (\$4,000) for fiscal year 1984-85 for structural improvements to the Community Building.
Johnston Courthouse Ramp.

Sec. 264. There is appropriated from the General Fund to the Johnston County Board of County Commissioners for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) to provide an access ramp for handicapped persons at the Johnston County Courthouse.
Johnston Council on Aging.

Sec. 265. There is appropriated from the General Fund to the Johnston County Council on Aging the sum of one thousand five hundred dollars (\$1,500) for fiscal year 1984-85 to provide funds for the bus transportation expenses for the elderly of Johnston County.
Onslow ADAP Equipment.

Sec. 266. There is appropriated from the General Fund to the Onslow County Mental Health for ADAP Program the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for additional equipment to serve ADAP clients in the shop area.
Sanford Center for Indep. Living.

Sec. 267. There is appropriated from the General Fund to the Center for Independent Living in Sanford the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to provide funds for the start-up of the facility in Sanford which is for the care of mentally retarded persons over the age of 18 years.
t.l.c., Inc., in Sanford.

Sec. 268. There is appropriated from the General Fund to tender loving care, Inc., the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to provide funds for the start-up of the facility in Sanford which is for the care of mentally retarded under the age of 18 years.
Carobell Center, Jacksonville

Sec. 269. There is appropriated from the General Fund to Carobell Center, Inc., the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to provide funds for building maintenance and repair at the residential community center in Jacksonville.
Gethsemane Enrichment Prog.

Sec. 270. There is appropriated from the General Fund to the Gethsemane Enrichment Program the sum of seven thousand five hundred dollars (\$7,500) for fiscal year 1984-85 to provide after-school care and enrichment programs to children from low-income families.
Triad Poison Center.

Sec. 271. There is appropriated from the General Fund to the Triad Poison Center at Moses Cone Hospital in Winston-Salem the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses to provide a statewide poison control center.
Gateway House.

Sec. 272. There is appropriated from the General Fund to the Gateway House in Dunn the sum of seven thousand dollars (\$7,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses for the half-way house for alcoholics.
Carteret Senior Citizens Funds

Sec. 273. There is appropriated from the General Fund to Carteret County Senior Citizens Center the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Greensboro Senior Club.

Sec. 274. There is appropriated from the General Fund to the Greensboro Senior Club of the National Association of Negro Business Women's Club, Inc., for fiscal year 1984-85 the sum of sixty thousand dollars (\$60,000) as a grant-in-aid for operating expenses. Onslow County MH Detox.

Sec. 275. There is appropriated from the General Fund to the Onslow County Mental Health Detoxification Center the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Economic Development Funds.

Sec. 276. There is appropriated from the General Fund to Eastern North Carolina Economic Development Corporation the sum of twenty-one thousand dollars (\$21,000) for the fiscal year 1984-85 as a grant-in-aid for operating expenses. Pitt Mental Health Funds.

Sec. 277. There is appropriated from the General Fund to Pitt County Mental Health Association the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Jones Senior Citizens Funds.

Sec. 278. There is appropriated from the General Fund to United Tri-County Senior Citizens, Inc., the sum of twelve thousand dollars (\$12,000) for the fiscal year 1984-85 to the Jones County Unit as a grant-in-aid for operating expenses. Hoke Literacy Funds.

Sec. 279. There is appropriated from the General Fund to Hoke Literacy Council the sum of eight thousand dollars (\$8,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Scotland House, Inc.

Sec. 280. There is appropriated from the General Fund to Scotland House, Inc., an alcohol abuse center, the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Scotland Literacy Funds.

Sec. 281. There is appropriated from the General Fund to Scotland County Literacy Council the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for operating expenses. Wake Life Experiences Funds.

Sec. 282. There is appropriated from the General Fund to Life Experiences, Inc., of Wake County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Wake Health Ed. Ctr.

Sec. 283. There is appropriated from the General Fund to the Health Education Center of Raleigh the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses. Person Learning Center Funds.

Sec. 284. There is appropriated from the General Fund to Children's Learning Center in Person County the sum of eleven thousand dollars (\$11,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

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Granville Hospital.

Sec. 285. There is appropriated from the General Fund to the Granville Hospital the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 for capital improvements.

Winston-Salem Lake YMCA.

Sec. 286. There is appropriated from the General Fund to Winston-Salem Lake YMCA the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses for the Incentive Program. Forsyth Self-Reliance Funds.

Sec. 287. There is appropriated from the General Fund to Experiment in Self-Reliance, Inc., in Forsyth County the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for recreational and educational materials for the center.

McDowell Aging Council.

Sec. 288. There is appropriated from the General Fund to the McDowell County Council on Aging, Inc., the sum of seven thousand five hundred dollars (\$7,500) for fiscal year 1984-85 for repairs, renovations and additions to the center.

Elida Home, Inc.

Sec. 289. There is appropriated from the General Fund to Elida Home, Inc., an orphanage for troubled youth in Buncombe County, the sum of eleven thousand dollars (\$11,000) for the fiscal year 1984-85 as a grant-in-aid for capital improvements.

Madison Refuse Truck.

Sec. 290. There is appropriated from the General Fund to the Madison County Board of Commissioners the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 for the purchase of a garbage truck.

Rolesville Senior Citizens Ctr.

Sec. 291. There is appropriated from the General Fund to the Rolesville Senior Citizens Center the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid for operating expenses.

Hayes-Taylor YMCA Funds.

Sec. 292. There is appropriated from the General Fund to Hayes-Taylor YMCA the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Council for Children Funds.

Sec. 293. There is appropriated from the General Fund to Council for Children in Mecklenburg County the sum of sixty-five thousand dollars (\$65,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.

Part 4. - General Government

Police/Comm. Relations Training.

Sec. 294. There is appropriated from the General Fund to the Department of Administration the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 for the North Carolina Human Relations Council's Police/Community Relations Training Program whose purpose is to improve the human dimensions of police community work.

Bates House Crisis Center Funds.

Sec. 295. There is appropriated from the General Fund to RESPECT, Inc., for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for the moving, renovation, and operation of the Bates House as a Rape Crisis Center.

Madison Water Line Funds.

Sec. 296. There is appropriated from the General Fund to the Madison County Housing Authority the sum of seventeen thousand dollars (\$17,000) for fiscal year 1984-85 for the purpose of providing funds for water line installation to assist in the development of housing for low and moderate income families.

WTVI Capital Improvement Funds.

Sec. 297. There is appropriated from the General Fund to the Charlotte-Mecklenburg Public Broadcasting Authority/WTVI the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1984-85 for the purpose of providing capital improvements for WTVI.

Forsyth Job Skills Funds.

Sec. 298. There is appropriated from the General Fund to the Winston-Salem/Forsyth County Council on the Status of Women, Inc., the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 for the purpose of funding programs which will evaluate and update skills for essential job techniques and provide market information for women in need of sustaining employment.

Chatham Rape Crisis Funds.

Sec. 299. There is appropriated from the General Fund to Family Violence and Rape Crisis Volunteers of Chatham County, Inc., the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 to provide funds for the Rape Crisis Program.

WVSP Operational Funds.

Sec. 300. There is appropriated from the General Fund to Sound and Print United, Inc., the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to provide funds for the general operation of Public Radio Station WVSP.

Alamance Emergency Services Funds.

Sec. 301. There is appropriated from the General Fund to Alamance County the sum of thirteen thousand dollars (\$13,000) to provide funds for the Alamance County Emergency Services Training Center, serving not only Alamance but also Orange, Caswell, Rockingham, and Chatham Counties.

Approp.-Wayne Boys Club.

Sec. 302. There is appropriated from the General Fund to the Wayne County Boys Club of Goldsboro the sum of two thousand five hundred dollars (\$2,500) for the fiscal year 1984-85 to purchase recreation and athletic equipment.

Approp.-Mt. Olive Boys Club.

Sec. 303. There is appropriated from the General Fund to the Mount Olive Boys Club the sum of two thousand five hundred dollars (\$2,500) for the fiscal year 1984-85 to purchase recreation and athletic equipment.

Princeton Beautification Funds.

Sec. 304. There is appropriated from the General Fund to the Princeton Women's Improvement Betterment Organization the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 for the purpose of beautification in the Town of Princeton.

Caswell Civic Center Funds.

Sec. 305. There is appropriated from the General Fund to the Caswell Civic Center the sum of six thousand dollars (\$6,000) for the fiscal year 1984-85 for the purpose of supporting programs.

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Family Services of McDowell, Inc.

Sec. 306. There is appropriated from the General Fund to Family Services of McDowell, Inc., the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 as a grant-in-aid for operating expenses.

WUNF Equipment Funds.

Sec. 307. There is appropriated from the General Fund to the North Carolina Agency for Public Telecommunications the sum of nineteen thousand five hundred dollars (\$19,500) for the fiscal year 1984-85 for the purpose of enabling WUNF at Asheville to purchase equipment.

Part 5. - Justice and Public Safety

Macon Dispute Center Funds.

Sec. 308. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 for a dispute settlement center for Macon County, provided a like amount is raised by Macon County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 309. Nothing in this act shall prohibit Macon County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 310. The Macon County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.

Garner Rescue Squad Funds.

Sec. 311. There is appropriated from the General Fund to the Garner Rescue Squad in Wake County the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for capital construction and as a grant-in-aid for operating expenses.

Gardnerville Fire Dept. Funds.

Sec. 312. There is appropriated from the General Fund to the Gardnerville Fire Department in Pitt County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.

Cherokee Dispute Center Funds.

Sec. 313. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for a dispute settlement center for Cherokee County, provided a like amount is raised by Cherokee County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 314. Nothing in this act shall prohibit Cherokee County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 315. The Cherokee County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.

Haywood Dispute Center Funds.

Sec. 316. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for a dispute settlement center for Haywood County, providing a like amount is raised by Haywood County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 317. Nothing in this act shall prohibit Haywood County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 318. The Haywood County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.
Henderson Dispute Center Funds.

Sec. 319. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for a dispute settlement center for Henderson County, provided a like amount is raised by Henderson County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 320. Nothing in this act shall prohibit Henderson County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 321. The Henderson County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.
Jackson Dispute Center Funds.

Sec. 322. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 for a dispute settlement center for Jackson County, provided a like amount is raised by Jackson County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 323. Nothing in this act shall prohibit Jackson County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 324. The Jackson County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.
Swain Dispute Center Funds.

Sec. 325. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for a dispute settlement center for Swain County, provided a like amount is raised by Swain County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 326. Nothing in this act shall prohibit Swain County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 327. The Swain County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.
Polk Dispute Center Funds.

Sec. 328. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for a dispute settlement center for Polk County, provided a like amount is raised by Polk County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 329. Nothing in this act shall prohibit Polk County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. . The Polk County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.
Clay Dispute Center Funds.

Sec. 330. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for a dispute settlement center for Clay County, provided a

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like amount is raised by Clay County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 331. Nothing in this act shall prohibit Clay County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 332. The Clay County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.
Transylvania Dispute Center Funds.

Sec. 333. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for a dispute settlement center for Transylvania County, provided a like amount is raised by Transylvania County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 334. Nothing in this act shall prohibit Transylvania County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 335. The Transylvania County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.
Graham Dispute Center Funds.

Sec. 336. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for a dispute settlement center for Graham County, provided a like amount is raised by Graham County to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 337. Nothing in this act shall prohibit Graham County from using the appropriated funds for a joint multi-county dispute settlement center in cooperation with one or more contiguous counties within its judicial district.

Sec. 338. The Graham County Dispute Settlement Center shall be subject to the provisions of Chapter 7A of the General Statutes.
Correction Dept. Vocational Prog.

Sec. 339. There is appropriated from the General Fund to the Department of Correction for the North Carolina Correctional Center for Women the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for vocational programs.
Murphy Armory Funds.

Sec. 340. There is appropriated from the General Fund to the Department of Crime Control and Public Safety for the Town of Murphy in Cherokee County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for a planning grant-in-aid for the Murphy National Guard Armory. The Department of Crime Control and Public Safety may expend other funds appropriated to it for capital improvements not to exceed twenty-five thousand dollars (\$25,000) for planning armories at West Jefferson and the Raleigh-Durham Airport.
One Step Further Disp. Cen. Funds.

Sec. 341. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 for One Step Further, Inc., as a grant-in-aid for the continuing operation and expansion of its dispute settlement center.
Crime and Delinq. Council Funds.

Sec. 342. There is appropriated from the General Fund to the Southeast Council on Crime and Delinquency the sum of twenty-two thousand dollars (\$22,000) for fiscal year 1984-85 as a grant-in-aid for the continuing operation and expansion of its program and the implementation of a computer literacy program for children from low income families.
Gethsemane-Rainbow Funds.

Sec. 343. There is appropriated from the General Fund to the Gethsemane-Rainbow Partnership, Inc., a nonprofit organization, the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 as a grant-in-aid to operate a home for female ex-offenders in Wake County.
Jonas Ridge Fire/Rescue Funds.

Sec. 344. There is appropriated from the General Fund to the Burke County Board of County Commissioners for the Jonas Ridge Community and Fire Center for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) for development and planning of a community center for fire and rescue in the Jonas Ridge Community.
Randolph Prison Chaplaincy Funds.

Sec. 345. There is appropriated from the General Fund to the Randolph Prison Chaplaincy Program, Incorporated, of Randolph County, the sum of twelve thousand dollars (\$12,000) for fiscal year 1984-85, to be matched on a two-for-one basis by Randolph Prison Chaplaincy Program, Incorporated, to provide funds to make the part-time chaplaincy position a full-time position.
Pactolus Fire Dept. Funds.

Sec. 346. There is appropriated from the General Fund to the Pactolus Fire Department in Pitt County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.
Grimesland Fire Dept. Funds.

Sec. 347. There is appropriated from the General Fund to the Grimesland Fire Department in Pitt County the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for the purchase of equipment.
Winterville Fire Dept. Funds.

Sec. 348. There is appropriated from the General Fund to the Winterville Fire Department in Pitt County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.
Eastern Pines Fire Dept. Funds.

Sec. 349. There is appropriated from the General Fund to the Eastern Pines Fire Department in Pitt County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.
Winterville Rescue Squad Funds.

Sec. 350. There is appropriated from the General Fund to the Winterville Volunteer Rescue Squad in Pitt County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.
Chocowinity Fire Dept. Funds.

Sec. 351. There is appropriated from the General Fund to the Chocowinity Fire Department in Beaufort County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.
Simpson Fire Dept. Funds.

Sec. 352. There is appropriated from the General Fund to the Simpson Fire Department in Pitt County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.

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Stokes Fire Dept. Funds.

Sec. 353. There is appropriated from the General Fund to the Stokes Volunteer Fire Department in Pitt County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.

Union Co. Fire Depts. Funds.

Sec. 354. There is appropriated from the General Fund for fiscal year 1984-85 thirty-nine thousand dollars (\$39,000) to be distributed equally among the 17 following volunteer fire departments in Union County for the purchase of equipment: Allens Crossroads, Bakers, Beaver Lane, Fairview, Hemby Bridge, Jackson, Lanes Creek, Monroe City, New Salem, Sandy Ridge, Springs, Stack Road, Stallings, Unionville, Waxhaw (VFD and Rescue Squad), Wesley Chapel, and Wingate.

Beaver Dam Fire/Rescue Funds.

Sec. 355. There is appropriated from the General Fund to the Beaver Dam Fire and Rescue Squad in Cumberland County the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 for capital construction and the purchase of fire fighting equipment.

Ammon Fire Dept. Funds.

Sec. 356. There is appropriated from the General Fund to the Ammon Fire Department in Bladen County the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for capital construction and the purchase of fire fighting equipment.

Tar Heel Fire Dept. Funds.

Sec. 357. There is appropriated from the General Fund to the Tar Heel Fire Department in Bladen County the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for capital construction and purchase of fire fighting equipment.

Kelly Fire Dept. Funds.

Sec. 358. There is appropriated from the General Fund to the Kelly Fire Department in Bladen County the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for capital construction and purchase of fire fighting equipment.

White Oak Fire Dept. Funds.

Sec. 359. There is appropriated from the General Fund to the White Oak Fire Department in Onslow County the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for capital construction and purchase of fire fighting equipment.

Hickory Grove Fire Dept. Funds.

Sec. 360. There is appropriated from the General Fund to the Bladen County Board of Commissioners for the Hickory Grove Fire Department the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for capital construction and purchase of fire fighting equipment.

Lisbon Fire Dept. Funds.

Sec. 361. There is appropriated from the General Fund to the Lisbon Fire Department in Bladen County the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for capital construction and purchase of fire fighting equipment.

Calabash Rescue Squad Funds.

Sec. 362. There is appropriated from the General Fund to the Calabash Rescue Squad in Brunswick County the sum of two thousand five hundred

dollars (\$2,500) for fiscal year 1984-85 for capital construction and purchase of equipment.

Leland Fire Dept. Funds.

Sec. 363. There is appropriated from the General Fund to the Leland Volunteer Fire Department in Brunswick County the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for capital construction and purchase of fire fighting equipment.

Carvers Creek Fire Dept. Funds.

Sec. 364. There is appropriated from the General Fund to the Carvers Creek Fire Department in Bladen County the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for capital construction and purchase of fire fighting equipment.

Rowan Co. Rescue Funds.

Sec. 365. There is appropriated from the General Fund to the Rowan County Rescue Squad the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 for the purchase of equipment.

Madison Co. Sheriff Funds.

Sec. 366. There is appropriated from the General Fund to the Madison County Board of County Commissioners the sum of six thousand five hundred dollars (\$6,500) for fiscal year 1984-85 for purchasing equipment and leasing a telephone line to connect the Madison County Sheriff's Department with the Asheville-Buncombe County Criminal Justice Information System.

Clay County Rescue Squad Funds.

Sec. 367. There is appropriated from the General Fund to the Clay County Fire and Rescue Squad, Inc., the sum of ten thousand dollars (\$10,000) for the 1984-85 fiscal year for the construction of a multipurpose building to house fire, rescue, and ambulance equipment. All funds not expended for this purpose by June 30, 1985, shall revert to the General Fund.

Probation Challenge Program Funds.

Sec. 368. There is appropriated from the General Fund to the Probation Challenge Program of Durham the sum of two thousand five hundred dollars (\$2,500) for the 1984-85 fiscal year for the coordination of programs.

Approp. - Wayne Fire Blankets.

Sec. 369. There is appropriated from the General Fund to the Wayne County Fire Marshal's Office the sum of five thousand dollars (\$5,000) for the fiscal year 1984-85 to purchase Water-Jel fire blankets for distribution among the volunteer fire departments, city fire departments, police departments, rescue squads, highway patrol traffic units, and sheriff traffic units in Wayne County.

Moore Co. Fire/Rescue Funds.

Sec. 370. There is appropriated from the General Fund for fiscal year 1984-85 five hundred dollars (\$500.00) to each of the eight following rescue squads in Moore County as a grant-in-aid for operating expenses: Robbins, Vass, Carthage, Aberdeen, Whispering Pines, West End, Southern Pines, and Pinehurst; and there is appropriated from the General Fund for fiscal year 1984-85 five hundred dollars (\$500.00) to each of the six following fire departments in Moore County as a grant-in-aid for operating expenses: High Falls, Seven Lakes, Crains Creek, Eagle Springs, Eastwood, and Pinebluff.

Roseboro Rescue Squad Funds.

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Sec. 371. There is appropriated from the General Fund to the Roseboro Rescue Squad in Sampson County the sum of six thousand dollars (\$6,000) for fiscal year 1984-85 for the construction of a building.
Belvoir Fire Dept. Funds.

Sec. 372. There is appropriated from the General Fund to the Belvoir Fire Department in Pitt County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.
Atlantic Beach Fire/Rescue Funds.

Sec. 373. There is appropriated from the General Fund to the Atlantic Beach Police/Fire/Rescue Department in Carteret County the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 for purchase of an emergency electric generator and communications equipment.
Pender Rescue Squad Funds.

Sec. 374. There is appropriated from the General Fund to the Pender Rescue Squad in Pender County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for a building addition.
Maple Hill Fire Dept. Funds.

Sec. 375. There is appropriated from the General Fund to the Maple Hill Volunteer Fire Department in Pender County the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for the purchase of equipment.
Turkey Fire Dept. Funds.

Sec. 376. There is appropriated from the General Fund to the Turkey Volunteer Fire Department in Sampson County the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 for the purchase of equipment.
Castle Hayne Fire Dept. Funds.

Sec. 377. There is appropriated from the General Fund to the Castle Hayne Volunteer Fire Department in New Hanover County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.
Wrightsboro Fire Dept. Funds.

Sec. 378. There is appropriated from the General Fund to the Wrightsboro Volunteer Fire Department in New Hanover County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.
Shallotte Rescue Squad Funds.

Sec. 379. There is appropriated from the General Fund to the Shallotte Volunteer Rescue Squad in Brunswick County the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 for the purchase of equipment.
Stanly Crime Prevention Funds.

Sec. 380. There is appropriated from the General Fund to the Stanly Citizens for Crime Prevention in Stanly County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of films and materials.
Richfield-Misenheimer F. D. Funds.

Sec. 381. There is appropriated from the General Fund to the Richfield-Misenheimer Fire Department in Stanly County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.
New London Fire Dept. Funds.

Sec. 382. There is appropriated from the General Fund to the New London Fire Department in Stanly County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.

Rural Hall Fire Dept. Funds.

Sec. 383. There is appropriated from the General Fund to the Town of Rural Hall in Forsyth County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the acquisition of land and the construction of a new fire station.

Union Cross Fire Dept. Funds.

Sec. 384. There is appropriated from the General Fund to the Union Cross Volunteer Fire Department in Forsyth County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the construction of a new building.

Lewisville Fire Dept. Funds.

Sec. 385. There is appropriated from the General Fund to the Lewisville Volunteer Fire Department in Forsyth County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.

Sea Level Fire/Rescue Funds.

Sec. 386. There is appropriated from the General Fund to the Sea Level Fire and Rescue Squad in Carteret County the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 for a fire, rescue, and hospital communications system.

Scuffleton Fire Dept. Funds.

Sec. 387. There is appropriated from the General Fund to the Scuffleton Fire Department in Greene County the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 for the purchase of equipment.

Greene Co. Rescue Funds.

Sec. 388. There is appropriated from the General Fund to the Greene County Rescue Squad the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.

Pitt Rescue Squads Funds.

Sec. 389. There is appropriated from the General Fund to the Pitt County Board of Commissioners the sum of eight thousand dollars (\$8,000) for fiscal year 1984-85 to be allocated equally among the eight rescue squads in the county for the purchase of equipment.

Bell Arthur Fire Dept. Funds.

Sec. 390. There is appropriated from the General Fund to the Bell Arthur Fire Department in Pitt County the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 for the purchase of equipment.

Duplin Co. Law Enf. Assn.

Sec. 391. There is appropriated from the General Fund to the Duplin County Law Enforcement Association the sum of three thousand five hundred dollars (\$3,500) for fiscal year 1984-85 for capital improvements.

Pender Co. Fire Depts. Funds.

Sec. 392. There is appropriated from the General Fund for fiscal year 1984-85 one thousand dollars (\$1,000) to each of the four following fire departments in Pender County for the purchase of equipment: Atkinson, Long Creek-Grady, Pender Central, and Rocky Point.

East Arcadia Fire Dept. Funds.

Sec. 393. There is appropriated from the General Fund to the Town Council of East Arcadia for the East Arcadia Fire Department in Bladen County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.

Kelly Fire Dept. Funds.

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Sec. 394. There is appropriated from the General Fund to the Kelly Fire Department in Bladen County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.
Coastland Rescue Funds.

Sec. 395. There is appropriated from the General Fund to the Coastland Volunteer Rescue Squad in Brunswick County the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 for the purchase of equipment.
Calabash Rescue Funds.

Sec. 396. There is appropriated from the General Fund to the Calabash Volunteer Rescue Squad in Brunswick County the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 for the purchase of equipment.
Waccamaw Rescue Funds.

Sec. 397. There is appropriated from the General Fund to the Waccamaw Volunteer Rescue Squad in Brunswick County the sum of one thousand dollars (\$1,000) for fiscal year 1984-85 for the purchase of equipment.
Davidson Rescue Funds.

Sec. 398. There is appropriated from the General Fund to the Davidson County Rescue Squad, Inc., the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in aid for operating expenses.
Davidson Co. Life Support Funds.

Sec. 399. There is appropriated from the General Fund to the Life Support and Rescue Association of Davidson County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Montgomery Co. Fire Comm. Funds.

Sec. 400. There is appropriated from the General Fund to the Montgomery County Fire Commission the sum of fourteen thousand dollars (\$14,000) for fiscal year 1984-85 for the purchase of fire fighting equipment.
Anson Co. Firemen's Assn. Funds.

Sec. 401. There is appropriated from the General Fund to the Anson County Firemen's Association the sum of seventeen thousand five hundred dollars (\$17,500) for fiscal year 1984-85 for purchase of fire fighting equipment.
Norwood Fire Dept. Funds.

Sec. 402. There is appropriated from the General Fund to the Norwood Fire Department and Rescue Squad in Stanly County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of rescue equipment.
Creedmoor Rescue Funds.

Sec. 403. There is appropriated from the General Fund to the Creedmoor Rescue Squad in Granville County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for capital improvements and as a grant-in-aid for operating expenses.
Redwood Fire Dept. Funds.

Sec. 404. There is appropriated from the General Fund to the Redwood Volunteer Fire Department in Durham County the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for the purchase of equipment.
Greenville Rescue Squad Funds.

Sec. 405. There is appropriated from the General Fund to the Town of Greenville in Pitt County the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 for rescue squad equipment.
Simpson Develop. Funds.

Sec. 406. There is appropriated from the General Fund to the Simpson Development Fund in Pitt County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for repairs and renovations.
Carvers Creek Fire Dept. Funds.

Sec. 407. There is appropriated from the General Fund to the Carvers Creek Volunteer Fire Department in Bladen County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the purchase of equipment.
Lumberton Police Vehicle Funds.

Sec. 408. There is appropriated from the General Fund to the City of Lumberton in Robeson County the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 for the purchase of a regional command vehicle for emergency communications.
Aquadale Fire Dept. Funds.

Sec. 409. There is appropriated from the General Fund to the Aquadale Fire Department in Stanly County the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for the construction of a substation.
Todd Fire Dept. Funds.

Sec. 410. There is appropriated from the General Fund to the Todd Fire Department in House District 40 the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Uwharrie Fire Dept. Funds.

Sec. 411. There is appropriated from the General Fund to the Uwharrie Volunteer Fire Department in Montgomery County the sum of thirteen thousand five hundred dollars (\$13,500) for fiscal year 1984-85 for capital improvements and the purchase of equipment.
Butner Rescue Squad Funds.

Sec. 412. There is appropriated from the General Fund to the Butner Rescue Squad in Granville County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.
Granville Rescue Squad Funds.

Sec. 413. There is appropriated from the General Fund to the Granville Rescue Squad in Granville County the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for the purchase of equipment.
Pamlico Rescue Squad Funds.

Sec. 414. There is appropriated from the General Fund to the Pamlico County Rescue Squad in Pamlico County the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for the purchase of an ambulance.

Part 6. - Natural and Economic Resources

Burke Forestry Headquarters Fund.

Sec. 415. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of seventy-one thousand dollars (\$71,000) for fiscal year 1984-85 to construct a Burke County Forestry Headquarters of the Division of Forest Resources.
Smokies Heritage Festival Funds.

Sec. 416. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of five thousand dollars (\$5,000) for the 1984-85 fiscal year for the Great Smoky Mountains Heritage Festival.
Fayetteville Municipal Market.

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Sec. 417. There is appropriated from the General Fund to the City of Fayetteville the sum of one hundred thousand dollars (\$100,000) for fiscal year 1984-85 to provide funds for a Fayetteville municipal farmers' market.

Sec. 418. Section 2 of Chapter 226 of the 1983 Session Laws, as amended by Section 6 of Chapter 853 of the 1983 Session Laws, is further amended by deleting the phrase "City of Shelby" and by substituting the phrase "Cities of Shelby and Fayetteville".

Laurel Springs Livestock Funds.

Sec. 419. There is appropriated from the General Fund to the Laurel Springs Livestock Weighing Committee (as created by Chapter 1139, Session Laws of 1969), for fiscal year 1984-85 the sum of fifteen thousand five hundred dollars (\$15,500) for repairs, renovations, and capital improvements for the Laurel Springs Livestock Weighing Station.

Cedar Island Boat Ramp.

Sec. 420. There is appropriated from the General Fund to the Wildlife Resources Commission the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 to build jetties at the Cedar Island Boat Ramp in Carteret County.

Sec. 421. There is appropriated from the General Fund to the Roanoke River Navigational Canal Preservation Committee the sum of forty-five thousand dollars (\$45,000) for fiscal year 1984-85 for the restoration and preservation of the historic Roanoke River Navigational Canal.

Waynesborough Park.

Sec. 422. There is appropriated from the General Fund to the Wayne Historical Association the sum of seventy thousand dollars (\$70,000) for fiscal year 1984-85 for land acquisition and improvements for Waynesborough Park.

Winterville Recreation.

Sec. 423. There is appropriated from the General Fund to the Winterville Recreation Commission the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 for capital improvements for the park facility.

Franklin Co. Indus. Development.

Sec. 424. There is appropriated from the General Fund to the Franklin County Board of Commissioners the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 for industrial and economic development.

Wendell Park Improvements.

Sec. 425. There is appropriated from the General Fund to the Town of Wendell the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for a park improvement and expansion project.

Wake Forest Town Development.

Sec. 426. There is appropriated from the General Fund to the Town of Wake Forest the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for downtown redevelopment.

Operation Breakthrough.

Sec. 427. There is appropriated from the General Fund to the Operation Breakthrough, Inc., of Durham the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 to buy a bus to transport low-income persons to jobs in the Research Triangle Park and to provide other services to the disadvantaged.

Sampson Migrant Services.

Sec. 428. There is appropriated from the General Fund to the Sampson County Board of Commissioners the sum of thirty thousand dollars (\$30,000) for fiscal year 1984-85 to provide services for migrant farm workers. Johnston Migrant Services.

Sec. 429. There is appropriated from the General Fund to the Johnston County Board of Commissioners the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 to provide services to migrant farm workers. Kenly Tobacco Museum.

Sec. 430. There is appropriated from the General Fund to the North Carolina Tobacco Museum the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 for construction of museum building in the town of Kenly. Southern Pines Field Lighting.

Sec. 431. There is appropriated from the General Fund to the Board of Education of Moore County the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for lighting at the Southern Pines Memorial Field. Randolph Forestry Headquarters.

Sec. 432. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of one hundred thirteen thousand dollars (\$113,000) for fiscal year 1984-85 for construction of a Randolph County Forestry Headquarters Building. Brunswick County Development.

Sec. 433. There is appropriated from the General Fund to the Brunswick County Development Corporation the sum of five thousand (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses for the Leland Industrial Park. Clarkton Sewer Funds.

Sec. 434. There is appropriated from the General Fund to the Town of Clarkton the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 for installation of sewer lines in order to comply with the federal mandate of environmental protection laws. Waccamaw Park Improvements

Sec. 435. There is appropriated from the General Fund to the Brunswick County Board of Commissioners the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for improvements to Waccamaw Park. Tabor City Economic Dev.

Sec. 436. There is appropriated from the General Fund to the Town of Tabor City the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 for economic development and site acquisition. Kernersville, Lindsay St. Pk.

Sec. 437. There is appropriated from the General Fund to the Town of Kernersville the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 for development of Lindsay Street Park to be matched by an equal amount of non-State funds. Pleasant Grove Community Ctr.

Sec. 438. There is appropriated from the General Fund to the Pleasant Grove Community Center the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for repairs and rehabilitation to the community center building. Davidson Co., Petersville Pk.

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Sec. 439. There is appropriated from the General Fund to the Davidson County Recreation Department the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 for improvements to the Petersville Community Park. Davidson County Rec. Dept.

Sec. 440. There is appropriated from the General Fund to the Davidson County Recreation Department the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses for the Linwood Recreation Park.
Madison - Mayodan Recreation Comm.

Sec. 441. There is appropriated from the General Fund to the Madison-Mayodan Recreation Commission the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 as a grant-in-aid to operate the Madison-Mayodan Recreation Center.
Shelby Museum Park.

Sec. 442. There is appropriated from the General Fund to the Cleveland County Board of Commissioners the sum of thirty thousand dollars (\$30,000) for fiscal year 1984-85 for the Shelby Museum Park.
Yancey Mine Reclamation.

Sec. 443. There is appropriated from the General Fund to the Yancey County Board of Commissioners the sum of eight thousand dollars (\$8,000) for fiscal year 1984-85 for mine reclamation in Yancey County.
Balsam Hatchery/Waynesville.

Sec. 444. There is appropriated from the General Fund to the Wildlife Resources Commission the sum of seven thousand five hundred dollars (\$7,500) for fiscal year 1984-85 for renovating and construction of a work center for one Balsam Wildlife Fish Hatchery near the town of Waynesville.
Hazelwood Water Works.

Sec. 445. There is appropriated from the General Fund to the Department of Natural Resources and Community Development for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) for the purpose of assisting the Town of Hazelwood to obtain professional assistance to help locate the water loss and advise in implementing a long-range rehabilitation program for the Town's water system.
Approp.-Cannon Mem. YMCA Ctr.

Sec. 446. There is appropriated from the General Fund to the Cannon Memorial Y.M.C.A. and Community Center, Inc., the sum of thirty-five thousand dollars (\$35,000) for the fiscal year 1984-85 for the construction of a community center in Kannapolis.
Aycock Brown Welcome Center.

Sec. 447. There is appropriated from the General Fund to the Dare County Board of Commissioners the sum of sixty-nine thousand dollars (\$69,000) for the 1984-85 fiscal year as a grant-in-aid for operating expenses for one year at the Aycock Brown Welcome Center.
Granite Falls Center Funds.

Sec. 448. There is appropriated from the General Fund to the Town of Granite Falls the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to provide funds to make repairs to the Granite Falls Recreation Center.
Madison Housing Authority Funds.

Sec. 449. There is appropriated from the General Fund to the Madison County Housing Authority the sum of eighteen thousand dollars (\$18,000) for

fiscal year 1984-85 to install water lines to the proposed Foxhound subdivision for low and moderate income families, thereby enabling the Authority to complete this project.

Cherokee County Development Funds.

Sec. 450. There is appropriated from the General Fund to Cherokee County the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 to develop and promote more efficient ways to market the principal agricultural products and crafts produced in the Cherokee County area.

Eastern Regional Jet Port Funds.

Sec. 451. There is appropriated from the General Fund to the Lenoir County Chamber of Commerce the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to provide funds to promote and develop the use of the Eastern Regional Jet Port, located in Lenoir County.

Wilson Redevelopment Corp. Funds.

Sec. 452. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of thirty thousand dollars (\$30,000) for the 1984-85 fiscal year for the Wilson Downtown Redevelopment Corporation. The funds shall be used for renovation of historical property as a part of the North Carolina Main Street Community project.

Approp.-Wilson Op. Indus. Ctr.

Sec. 453. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 for the Wilson Opportunities Industrialization Center to support the programs of the Center. Agriculture Awareness Funds.

Sec. 454. There is appropriated from the General Fund to the General Assembly the sum of ten thousand dollars (\$10,000) for the 1984-85 fiscal year for the operation of the Agriculture, Forestry, and Seafood Awareness Study Commission as provided in Chapter 915 of the 1983 Session Laws.

Cape Fear Area OIC Funds.

Sec. 455. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of thirteen thousand three hundred dollars (\$13,300) for fiscal year 1984-85 to support the programs of the Cape Fear Area Opportunities Industrialization Center in Wilmington.

Corolla Boat Access Funds.

Sec. 456. There is appropriated from the General Fund to the Wildlife Resources Commission for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) to provide a boating access area on property owned by the Wildlife Resources Commission on the Currituck Sound, at Corolla in Currituck County. Cedar Point Boat Ramp Funds.

Sec. 457. There is appropriated from the General Fund to the Wildlife Resources Commission the sum of twenty thousand dollars (\$20,000) for the 1984-85 fiscal year for a boating access area at Cedar Point in Carteret County. Hayti Development Corp. Funds.

Sec. 458. There is appropriated from the General Fund to the Hayti Development Corporation of Durham the sum of five thousand dollars (\$5,000) for the 1984-85 fiscal year to assist in support of their ongoing community education program.

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Approp.-E. Wake Water Study.

Sec. 459. (a) There is appropriated from the General Fund to the Department of Natural Resources and Community Development for fiscal year 1984-85 the sum of twenty-five thousand dollars (\$25,000) for a study of water supply alternatives for the Knightdale-Zebulon-Wendell area of Wake County, including an evaluation of a potential water supply project on the Little River.

(b) The Department shall develop the scope of work for the study in consultation with the Towns of Knightdale, Zebulon, and Wendell and with Wake County.

(c) The funds appropriated by the previous two subsections of this act shall remain available to the Department of Natural Resources and Community Development until expended.

Martin Co. Community Action, Inc.

Sec. 460. There is appropriated from the General Fund to Martin County Community Actions, Inc., for fiscal year 1984-85 the sum of one thousand dollars (\$1,000) as a grant-in-aid for operating expenses.
Littleton Civic and Planning.

Sec. 461. There is appropriated from the General Fund to the Littleton Civic and Planning Associations, Inc., the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 to provide a grant-in-aid for operating and capital expenses for senior citizen programs.
Rocky Mount Oppor. Indus. Ctr.

Sec. 462. There is appropriated from the General Fund to the Rocky Mount Opportunities Industrialization Center for fiscal year 1984-85 the sum of twenty-five thousand dollars (\$25,000) for motivational job training for the unemployable.
Edgecombe Land Trust.

Sec. 463. There is appropriated from the General Fund to the Edgecombe Soil and Water Conservation District the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 for the purposes of establishing and operating a nonprofit incorporated local land trust to be used for conservation, recreation, and water resource management in Edgecombe County.
Farmville Recreational Facilities.

Sec. 464. There is appropriated from the General Fund to the Town of Farmville for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) for construction of recreational facilities.
Pitt-Greenville C. of C.

Sec. 465. There is appropriated from the General Fund to the Pitt County-Greenville Chamber of Commerce's Economic Development Fund for fiscal year 1984-85 the sum of six thousand five hundred dollars (\$6,500) for county industrialization projects.
Greene Co. Eco. Devel. Fund.

Sec. 466. There is appropriated from the General Fund to Greene County's Economic Development Fund for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for county industrialization projects.
Falkland Town Development.

Sec. 467. There is appropriated from the General Fund to the Town of Falkland for fiscal year 1984-85 the sum of one thousand dollars (\$1,000) for town development.
Fountain Town Development.

Sec. 468. There is appropriated from the General Fund to the Town of Fountain for fiscal year 1984-85 the sum of one thousand dollars (\$1,000) for town development.
Watha Community Center.

Sec. 469. There is appropriated from the General Fund to the Town of Watha the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 for building construction of the Upper Union Community Center.
Harrells Neighborhood Center.

Sec. 470. There is appropriated from the General Fund to the Harrells Neighborhood Center the sum of six thousand dollars (\$6,000) for fiscal year 1984-85 for building repairs.
Ingold Community Center.

Sec. 471. There is appropriated from the General Fund to the Ingold Community Center the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for building repairs.
Taylors Bridge Community Center.

Sec. 472. There is appropriated from the General Fund to the Taylors Bridge Community Center the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for building repairs.
Piney Grove Community Center.

Sec. 473. There is appropriated from the General Fund to the Thompson Memorial Building (Piney Grove Community Center) the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for building repairs.
Mingo Community Center.

Sec. 474. There is appropriated from the General Fund to the Mingo Community Center the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for building repairs.
Westbrook Community Center.

Sec. 475. There is appropriated from the General Fund to the Westbrook Community Center the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for building repairs.
Sampson Livestock Assoc. Arena.

Sec. 476. There is appropriated from the General Fund to the Sampson Livestock Association for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) for repairs to the Sampson Livestock Association Arena.
Clinton-Sampson Rec. Dept.

Sec. 477. There is appropriated from the General Fund to the City of Clinton for fiscal year 1984-85 the sum of seven thousand dollars (\$7,000) for operating expenses of the Clinton-Sampson Recreation Department.
Burgaw Depot Renovations.

Sec. 478. There is appropriated from the General Fund to the Burgaw Jaycees for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for renovation of The Railroad Depot into a community building.
Garland Recreation Department.

Sec. 479. There is appropriated from the General Fund to the Town of Garland for fiscal year 1984-85 the sum of three thousand dollars (\$3,000) for equipment purchases by the Garland Recreation Department.
Town of Creedmoor.

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Sec. 480. There is appropriated from the General Fund to the Town of Creedmoor the sum of seven thousand dollars (\$7,000) for fiscal year 1984-85 for replacement or repairs to the old gymnasium roof.
Caswell Co. Bd. of Commissioners.

Sec. 481. There is appropriated from the General Fund to the Caswell County Board of Commissioners the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for a recreation study.
Lake Farmers Park.

Sec. 482. There is appropriated from the General Fund to the Caswell County Board of Commissioners the sum of four thousand dollars (\$4,000) for fiscal year 1984-85 for improvements to Lake Farmer Park.
Beaver Dam Community Center.

Sec. 483. There is appropriated from the General Fund to Beaver Dam Community Center, Inc., the sum of eight thousand dollars (\$8,000) for fiscal year 1984-85 as a grant-in-aid for recreation activities.
City of Monroe.

Sec. 484. There is appropriated from the General Fund to the City of Monroe for fiscal year 1984-85 the sum of twenty thousand dollars (\$20,000) for purposes authorized by Chapter 160A of the General Statutes or by the city charter.
Town of Indian Trail.

Sec. 485. There is appropriated from the General Fund to the Town of Indian Trail for fiscal year 1984-85 the sum of three thousand dollars (\$3,000) for purposes authorized by Chapter 160A of the General Statutes or by the town charter.
Town of Marshville.

Sec. 486. There is appropriated from the General Fund to the Town of Marshville for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for purposes authorized by Chapter 160A of the General Statutes or by the town charter.
Town of Stallings.

Sec. 487. There is appropriated from the General Fund to the Town of Stallings for fiscal year 1984-85 the sum of three thousand dollars (\$3,000) for purposes authorized by Chapter 160A of the General Statutes or by the town charter.
Town of Waxhaw.

Sec. 488. There is appropriated from the General Fund to the Town of Waxhaw for fiscal year 1984-85 the sum of four thousand dollars (\$4,000) for purposes authorized by Chapter 160A of the General Statutes or by the town charter.
Town of Weddington.

Sec. 489. There is appropriated from the General Fund to the Town of Weddington for fiscal year 1984-85 the sum of one thousand dollars (\$1,000) for purposes authorized by Chapter 160A of the General Statutes or by the town charter.
Town of Wingate.

Sec. 490. There is appropriated from the General Fund to the Town of Wingate for fiscal year 1984-85 the sum of four thousand dollars (\$4,000) for purposes authorized by Chapter 160A of the General Statutes or by the town charter.

Stanly Agricultural Learning Ctr.

Sec. 491. There is appropriated from the General Fund to the County of Stanly for fiscal year 1984-85 the sum of twenty thousand dollars (\$20,000) for construction of an Agricultural Learning Center in Stanly County.

Matthews Community Club.

Sec. 492. There is appropriated from the General Fund to the Matthews Community Club the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 for renovation of the old Matthews High School Building as a community center.

Arcadia Boost. Club Comm. Park.

Sec. 493. There is appropriated from the General Fund to Arcadia Boosters Club-Arcadia Community Park for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for improvement to the park.

Nature Science Center.

Sec. 494. There is appropriated from the General Fund to the Nature Science Center of Winston Salem for fiscal year 1984-85 the sum of one hundred five thousand dollars (\$105,000) for an educational program which is the live animal program in the new live animal center.

Forsyth County Farm Museum.

Sec. 495. There is appropriated from the General Fund to the Northwest Historic Farm and Agricultural Museum Committee for fiscal year 1984-85 the sum of nine thousand dollars (\$9,000) for feasibility study for the farm museum.

Kernersville Exer./Fit. Trail.

Sec. 496. There is appropriated from the General Fund to the Town of Kernersville for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for an exercise and fitness trail park.

Pilot Mountain Foundation.

Sec. 497. There is appropriated from the General Fund to the Pilot Mountain Foundation the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 for a recreational park.

Alleghany Co. EDA Grant Match.

Sec. 498. There is appropriated from the General Fund to the County of Alleghany for fiscal year 1984-85 the sum of thirty-five thousand dollars (\$35,000) to match a federal grant for economic development in Alleghany County.

Glen Alpine Rec. Foundation.

Sec. 499. There is appropriated from the General Fund to the Glen Alpine Recreation Foundation the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 to help complete construction of a park.

McGalliard Falls Park.

Sec. 500. There is appropriated from the General Fund to the McGalliard Falls Park the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 to complete restoration of a grist mill.

Becthler Mine.

Sec. 501. There is appropriated from the General Fund to the Rutherford County Historical Society the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for Becthler Mine site improvements.

Town of Chimney Rock.

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Sec. 502. There is appropriated from the General Fund to the Town of Chimney Rock the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for improvements to the water works.
McDowell Clean Comm. System.

Sec. 503. There is appropriated from the General Fund to the McDowell County Chamber of Commerce, Inc., the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 for additional funds for establishing a Clean Community System.
W. N. C. Development Association.

Sec. 504. There is appropriated from the General Fund to the Western North Carolina Development Association, Inc., for fiscal year 1984-85 the sum of twenty thousand dollars (\$20,000) as a grant-in-aid for operations.
Crab Creek Community Center.

Sec. 505. There is appropriated from the General Fund to the Crab Creek Community Center for fiscal year 1984-85 the sum of one thousand dollars (\$1,000) for replacing the roof.
Robeson Community Ctr.

Sec. 506. There is appropriated from the General Fund to the Robeson Community Center, Inc., the sum of fifteen thousand dollars (\$15,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
St. Pauls Pool.

Sec. 507. There is appropriated from the General Fund to the Town of St. Pauls the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for construction of a swimming pool (Project GAP).
Robeson Co. Rec. Dept.

Sec. 508. There is appropriated from the General Fund to the Robeson County Recreation Department the sum of six thousand dollars (\$6,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Scotland Co. Rec. Dept.

Sec. 509. There is appropriated from the General Fund to the Scotland County Recreation Department the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Hoke County Rec. Dept.

Sec. 510. There is appropriated from the General Fund to the Hoke County Recreation Department the sum of three thousand dollars (\$3,000) for fiscal year 1984-85 as a grant-in-aid for operating expenses.
Town of Rennert.

Sec. 511. There is appropriated from the General Fund to the Town of Rennert the sum of two thousand dollars (\$2,000) for fiscal year 1984-85 for repairs to the town meeting hall and equipment.
Raeford/Hoke Ind. Dev.

Sec. 512. There is appropriated from the General Fund to the Raeford/Hoke Industrial Development Corporation the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 for operating expenses.
Spring Lake Civic Ctr.

Sec. 513. There is appropriated from the General Fund to the Spring Lake Civic Center the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 to build a civic center building.
Seventy-First Improv. Ass'n Inc.

Sec. 514. There is appropriated from the General Fund to the Seventy-first Improvement Association, Inc., for fiscal year 1984-85 the sum of six thousand dollars (\$6,000) for youth development.
Fayetteville Business League.

Sec. 515. There is appropriated from the General Fund to the Fayetteville Business League for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for promotion of small businesses.
Savoy Heights Rec. Dev. Council.

Sec. 516. There is appropriated from the General Fund to the Savoy Heights Recreation Development Council for fiscal year 1984-85 the sum of two thousand dollars (\$2,000) for youth development.
Seabrook Rec. Council.

Sec. 517. There is appropriated from the General Fund to the Seabrook Recreation Development Council for fiscal year 1984-85 the sum of two thousand dollars (\$2,000) for youth development.
Spivey Rec. Dev. Council.

Sec. 518. There is appropriated from the General Fund to the Spivey Recreation Development Council for fiscal year 1984-85 the sum of two thousand dollars (\$2,000) for youth development.
Selma Union Stn.

Sec. 519. There is appropriated from the General Fund to the Town of Selma the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1984-85 for renovation and purchase of furniture in the community meeting area in Union Station.
Louisburg Parks Program.

Sec. 520. There is appropriated from the General Fund to the City of Louisburg for fiscal year 1984-85 the sum of twenty thousand dollars (\$20,000) for Louisburg Parks Program.
Piper-Dixon House on Eno.

Sec. 521. There is appropriated from the General Fund to the N.C. Department of Natural Resources and Community Development the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 for restoring the Piper-Dixon House at the Eno River State Park.
Siler City Water - Sewer Projs.

Sec. 522. There is appropriated from the General Fund to the Town of Siler City for fiscal year 1984-85 the sum of ten thousand dollars (\$10,000) for water and sewer projects of the town.
Pittsboro Water - Sewer Projs.

Sec. 523. There is appropriated from the General Fund to the Town of Pittsboro for fiscal year 1984-85 the sum of seven thousand five hundred dollars (\$7,500) for water and sewer projects of the town.
Haw River Assembly.

Sec. 524. There is appropriated from the General Fund to the Haw River Assembly for fiscal year 1984-85 the sum of seven thousand five hundred dollars (\$7,500) for conducting research on water quality.
Stokesdale Community Park

Sec. 525. There is appropriated from the General Fund to Stokesdale Community Park for fiscal year 1984-85 the sum of fifteen thousand dollars (\$15,000) for capital improvements to Stokesdale Community Park in Guilford County.

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Belhaven City Hall.

Sec. 526. There is appropriated from the General Fund to the Town of Belhaven for fiscal year 1984-85 the sum of five thousand dollars (\$5,000) for the city hall.

Tabor City - Rec. Athl. Com., Inc.

Sec. 527. There is appropriated from the General Fund to the Tabor City Recreational Athletic Complex, Inc. the sum of six thousand dollars (\$6,000) for fiscal year 1984-85 as a grant-in-aid for community and recreational programs.

North Granville EMC.

Sec. 528. There is appropriated from the General Fund to the North Granville Emergency Medical Center the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 as a grant-in-aid for operating expenses and supplies.

Pitt Farmers' Market.

Sec. 529. There is appropriated from the General Fund to the Pitt County Board of Commissioners the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1984-85 as a grant-in-aid for planning the Pitt Farmers' Market.

Charlotte Farmers' Market.

Sec. 530. There is appropriated from the General Fund to the Department of Agriculture the sum of forty thousand dollars (\$40,000) for fiscal year 1984-85 for improvements to the Charlotte Regional Farmers' Market.

Part 7. - Severability

Sec. 531. If any section or provision of this act is declared unconstitutional or invalid by the courts, it shall not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Part. 8 - Miscellaneous

Sec. 532. Unless otherwise specified, funds appropriated in this act shall be disbursed by the Office of State Budget and Management. The appropriations made in this act are for the public purposes expressed in each section.

Sec. 533. Except as specifically required by this act, no matching funds are required for the appropriations made by this act.

Sec. 534. The headings preceding each section of this act are included for reference purposes only, and in no way do they limit, expand, define, prescribe, or otherwise affect the scope or application of this act.

Sec. 535. Except as specifically provided otherwise, this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1984.

H. B. 1689 CHAPTER 1115

AN ACT TO CREATE THE ROANOKE VOYAGES AND ELIZABETH II COMMISSION, AND TO APPROPRIATE FUNDS THEREFOR.

The General Assembly of North Carolina enacts:

Section 1. There is created in the Department of Cultural Resources the Roanoke Voyages and Elizabeth II Commission.

Sec. 2. The Commission may:

(1) advise the Secretary of the Department of Cultural Resources on matters pertinent to the operation and maintenance of Ice Plant Island, the Elizabeth II State Historic Site and Visitor Center, and the Elizabeth II as permanent memorials commemorating the Roanoke Voyages, 1584-1587;

(2) make recommendations to the Secretary of the Department of Cultural Resources for establishing and providing for a proper charge for admission to the ship, and for the maintenance and operation of the ship, the visitor center, and the grounds as a permanent memorial and exhibit;

(3) solicit and accept gifts, grants, and donations;

(4) identify, preserve, and protect properties located in Dare County having historical significance to the State of North Carolina, Dare County, and the Town of Manteo, with the approval or assistance of the Department of Cultural Resources;

(5) cooperate with the Secretary and Department of Cultural Resources, the Secretary and Department of Transportation, the Secretary and Department of Natural Resources and Community Development, and other governmental agencies, officials, and entities, and provide them with assistance and advice;

(6) adopt and enforce such bylaws, rules, regulations, and guidelines that the Commission deems to be reasonably necessary in order to carry out its powers and duties;

(7) establish and maintain a "Roanoke Voyages and Elizabeth II Commission Fund" composed of monies which may come into its hands from gifts, donations, grants, or bequests, which funds will be used by the Commission for purposes of carrying out its duties and purposes herein set forth. The Commission may establish a reserve fund to be maintained and used for contingencies and emergencies.

Sec. 3. The Commission shall consist of 24 voting members: 12 appointed by the Governor, six of whom shall be residents of Dare County; eight voting ex officio members who are the Secretary of the Department of Cultural Resources, the Secretary of the Department of Transportation, the Secretary of the Department of Natural Resources and Community Development, the Chairman of the Dare County Board of Commissioners, the Mayor of the Town of Manteo, the Chairman of the Board of Directors of the Friends of Elizabeth II, the Site Manager of the Elizabeth II State Historic Site, and the Chairman of the Roanoke Island Historical Association; and four members appointed by the Commission from time to time according to the procedure it adopts. Members appointed by the Governor shall serve for four-year terms, except that of the initial appointments, six shall be for two-year terms and six for four-year terms. Ex officio members may designate a person to serve as a member of the Commission in their stead. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or

disability of a member shall be made by the Commission and shall be for the balance of the unexpired term. The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

The Governor shall, after recommendations have been sent to him in writing each year at the time of the annual meeting, designate from among the members of the Commission a chairman, vice-chairman, secretary, and treasurer.

Sec. 4. Any funds appropriated by the 1983 General Assembly for fiscal year 1984-85 to the Department of Cultural Resources for operating expenses of the Roanoke Voyages Corridor Commission shall instead be used for operating expenses of the Roanoke Voyages and Elizabeth II Commission.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1984.

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AN ACT APPROPRIATING FUNDS FOR VARIOUS STATEWIDE PROJECTS.

An outline of the provisions of the act follows this section. The outline shows the heading “—CONTENTS/INDEX—” and it lists “statewide appropriations” and “special provisions” as sections that make up the act.

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The General Assembly of North Carolina enacts:

TITLE I—STATEWIDE APPROPRIATIONS

Cultural Resources

Craven Courthouse Restoration Funds.

Sec. 1. (a) There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1984-85 fiscal year the sum of one hundred twenty-five thousand dollars (\$125,000) to restore the Craven County Courthouse, provided a like amount of non-State

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funds is raised by the Craven County Board of Commissioners to match this appropriation on a dollar-for-dollar basis.

(b) The activities associated with this appropriation shall be performed in accordance with the standards and guidelines for restoration and rehabilitation projects established by the Division of Archives and History and shall be conducted under the professional supervision of that agency.

CHARLOTTE DISCOVERY PLACE FUNDS.

Sec. 2. There is appropriated from the General Fund to the Department of Commerce the sum of two hundred fifty thousand dollars (\$250,000) for the fiscal year 1984-85 for Discovery Place of Charlotte, in Mecklenburg County, to provide operating expenses.

PROFESSIONAL THEATER FUNDS.

Sec. 3. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Arts Council, the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 for grants to local professional theater groups and local dramas.

GRASS ROOTS ARTS PROGRAM FUNDS.

Sec. 4. There is appropriated from the General Fund to the Department of Cultural Resources the sum of one hundred fifty thousand dollars (\$150,000) for fiscal year 1984-85 for the Grass Roots Art Program. These funds shall be distributed by the Department to counties on a per capita basis for use by local arts programs.

KANNAPOLIS LIBRARY BLDG. FUNDS.

Sec. 5. There is appropriated from the General Fund to Cabarrus County the sum of one hundred thousand dollars (\$100,000) for fiscal year 1984-85 for the Capital Reserve Budget for the Cannon Memorial YMCA Public Library in Kannapolis.

GREENSBORO SOLAR OBSERVATORY FUNDS.

Sec. 6. There is appropriated from the General Fund to the Natural Science Center of Greensboro, Inc. the sum of one hundred sixty-five thousand five hundred ninety dollars (\$165,590) for the 1984-85 fiscal year for the development of a solar observatory at the Edward R. Zane Planetarium.

COUNTY HISTORIC SURVEY FUNDS.

Sec. 7. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of sixty thousand dollars (\$60,000) for fiscal year 1984-85 for historic surveys of counties.

ART IN STATE BLDGS. FUNDS.

Sec. 8. There is appropriated from the General Fund to the Department of Cultural Resources the sum of ten thousand dollars (\$10,000) for fiscal year 1984-85 to be used by the Committee on Art in State Buildings in the performance of its duty to promote art work in State buildings. Any unexpended funds remaining at the end of the 1984-85 fiscal year shall not revert to the General Fund but shall remain available to the Department during fiscal year 1985-86 for the purpose stated in this section.

FAYETTEVILLE MUSEUM BRANCH FUNDS.

Sec. 9. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of one hundred thirty thousand dollars (\$130,000) for fiscal year 1984-85 to renovate

the Highsmith-Rainey Nursing School in Fayetteville for use as a museum service branch of the North Carolina Museum of History in Fayetteville.
CABARRUS COURTHOUSE FUNDS.

Sec. 10. There is appropriated from the General Fund to Cabarrus County the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 for the continued restoration of the Cabarrus County Courthouse.
CHEROKEE HIST. ASSOC. FUNDS.

Sec. 11. There is appropriated from the General Fund to the Cherokee Historical Association the sum of three hundred thousand dollars (\$300,000) for fiscal year 1984-85 to construct an administration building on the Cherokee Indian Reservation.

HISTORIC HOPE PLANTATION FUNDS.

Sec. 12. There is appropriated from the General Fund to the Historic Hope Foundation the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1984-85 for Historic Hope Plantation.

ROANOKE ISLAND CENTER RESERVE.

Sec. 13. There is appropriated from the General Fund to the Office of the Governor, Office of State Budget and Management, the sum of five hundred thousand dollars (\$500,000) for fiscal year 1984-85, to be placed in a Reserve for the Roanoke Island Center for the Arts. The State Budget Officer shall disburse this sum to the Roanoke Island Historical Association, Inc. to construct the Roanoke Island Center for the Arts when the Association provides written proof to the State Budget Officer that the Association has raised one million five hundred thousand dollars (\$1,500,000) of non-State funds since the effective date of this section to match the amount appropriated to this Reserve on a three-to-one basis. Pledges of contributions to the Association that have not been realized by the Association may not be considered as amounts raised by the Association.

INDIAN CULTURAL CENTER.

Sec. 14. (a) There is appropriated from the General Fund to the Department of Administration the sum of three hundred sixty thousand dollars (\$360,000) for the 1984-85 fiscal year to purchase the remaining eighty percent (80%) interest in 386.69 acres of land of which twenty percent (20%) interest has already been purchased for an Indian Cultural Center in Robeson County.

(b) There is appropriated from the General Fund to the Department of Administration the sum of one hundred twenty-five thousand dollars (\$125,000) for the 1984-85 fiscal year to purchase 99.62 acres of land adjoining Highway 74 for an Indian Cultural Center in Robeson County.

ROANOKE VOYAGES FUNDS.

Sec. 15. There is appropriated from the General Fund to the Department of Cultural Resources for fiscal year 1984-85 the sum of three thousand dollars (\$3,000) for operating expenses of the Roanoke Voyages Corridor Commission.

SPENCER SHOPS FUNDS.

Sec. 16. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of one hundred thousand dollars (\$100,000) for fiscal year 1984-85 to begin the installation of appropriate doors and windows on the Back Shop at the Spencer Shops State Historic Site to protect the Back Shop from vandalism and the elements.

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HISTORIC PRESERVATION FUND APPROP.

Sec. 17. There is appropriated from the General Fund to the North Carolina Historic Preservation Foundation, Inc. the sum of one hundred fifty thousand dollars (\$150,000) for fiscal year 1984-85 to expand North Carolina's statewide revolving fund for historic preservation, provided a like amount is raised by the Historic Preservation Foundation after the effective date of this section to match this appropriation on a dollar-for-dollar basis. Funds appropriated in this section shall be expended only in accordance with the criteria and rules applicable to the operation of statewide revolving funds established by the North Carolina Historical Commission and the Department of Cultural Resources.

Education

UNC ASHEVILLE FACILITIES.

Sec. 18. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one hundred fifty thousand dollars (\$150,000) for fiscal year 1984-85 for capital improvements.

SANDHILLS PEACH RESEARCH FUNDS.

Sec. 19. There is appropriated from the General Fund to The University of North Carolina Board of Governors for fiscal year 1984-85 the sum of seventy thousand dollars (\$70,000) for capital improvements.

SCHOOL HEALTH COORDINATORS FUNDS.

Sec. 20. There is appropriated from the General Fund to the State Board of Education the sum of four hundred eighty-five thousand five hundred fifty-nine dollars (\$485,559) for the 1984-85 fiscal year for 16 additional health coordinators for the public schools.

The State Board of Education shall designate an impartial panel to review health education plans to be submitted by local school administrative units. Based upon the panel's evaluation of the plans, the State Board of Education shall allocate the funds for the additional health coordinators to 16 selected local school administrative units, two within each of the eight educational districts. The State Board of Education may not, however, allocate funds for an additional health coordinator to any local school administrative unit that is already being served by a health coordinator.

PUBLIC RADIO GRANTS.

Sec. 21. There is appropriated from the General Fund to the Department of Community Colleges the sum of seventy-two thousand nine hundred twelve dollars (\$72,912) for the 1984-85 fiscal year for Craven Community College for operational costs, and the sum of sixty-five thousand dollars (\$65,000) for the 1984-85 fiscal year for Isothermal Community College for planning and facility grants to develop eastern and western public radio facilities. The home institutions shall make the facilities and broadcast time available to the community college institutions, universities and other public service institutions in the respective broadcasting service areas.

NCCU ATHLETIC FACILITIES.

Sec. 22. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of sixty-five thousand dollars (\$65,000) for fiscal year 1984-85 for capital improvements.

COMM. COLLEGES-HIGH TECH. CTR.

Sec. 23. There is appropriated from the General Fund to the Department of Community Colleges the sum of fifty thousand dollars (\$50,000)

for fiscal year 1984-85 for administration of the High Technology Center at Haywood Technical College.

WCU/ECU RURAL SCH. ED. OFF.

Sec. 24. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina for fiscal year 1984-85 the sum of fifty thousand dollars (\$50,000) for a rural education office at East Carolina University and fifty thousand dollars (\$50,000) for a rural education office at Western Carolina University.

The purposes of the Rural Education Offices are to identify and address the unique education problems of the public schools in the rural areas of the State.

SCHOOL BUS REPLACEMENTS.

Sec. 25. In addition to all other funds appropriated from the General Fund to the State Board of Education, there is appropriated the sum of six million two hundred thousand dollars (\$6,200,000) from the General Fund to the State Board of Education to purchase additional school bus replacements for local school administrative units in fiscal year 1984-85.

Human Resources

PRIV. RES. CHILD-CARE GRANT.

Sec. 26. (a) In addition to any other funds appropriated for this purpose by law, there is appropriated from the General Fund to the Department of Human Resources the sum of three hundred eleven thousand seven hundred eighty-six dollars (\$311,786) for the fiscal year 1984-85 for the purpose of increasing the level of the grants-in-aid to private child-caring institutions.

(b) The funds appropriated in this section shall be paid by the Department of Human Resources to the eligible child-caring institutions according to the provisions of the North Carolina Administrative Code, Title 10, Subchapter 41M, in effect on July 1, 1984, for the payment of grants-in-aid to private child-caring institutions.

ALZHEIMERS DISEASE SUPPORT FUNDS.

Sec. 27. There is appropriated from the General Fund to the Department of Human Resources, Division of Aging, the sum of fifty thousand dollars (\$50,000) for the 1984-85 fiscal year to enter into a program to develop Alzheimers support groups throughout North Carolina to assist families of victims of Alzheimers disease.

SHELLFISH WATERS MONITORED.

Sec. 28. There is appropriated from the General Fund to the Division of Health Services, Department of Human Resources, the sum of eighty-eight thousand dollars (\$88,000) in fiscal year 1984-85 for the following purposes:

(1) To provide intense monitoring of polluted waters which have an abundance of resource and open these areas, on a temporary basis, when the waters and shellfish meats conform to the bacteriological standards.

(2) To increase shoreline survey activities and eliminate sources of pollution.

(3) To significantly improve the income of the small commercial fisherman.

(4) To utilize the shellfish as food at a time when they are safe for human consumption, thus reducing the potential for poaching when the areas are closed.

MORE CARE ATTENDANT FUNDS.

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Sec. 29. There is appropriated from the General Fund to the Division of Vocational Rehabilitation Services, Department of Human Resources, the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1984-85 for the operation of the demonstration personal care attendant project for severely physically disabled persons, in cooperation with the Metrolina Independent Living Center.

BLACK MTN. DHR POLICE.

Sec. 30. (a) Chapter 122 of the General Statutes is amended by adding a new Article to read:

"Article 12B

"Black Mountain Center, Alcohol Rehabilitation Center,
and Juvenile Evaluation Center Joint Security Force.

"§ 122-98.3. Joint Security Force.—The Department of Human Resources may designate one or more special police officers who shall make up a joint security force to enforce the laws of North Carolina and any ordinance or regulation adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the Department by any other law on the territory of the Black Mountain Center, the Alcohol Rehabilitation Center, and the Juvenile Evaluation Center, all in Buncombe County. These special police officers shall have the same powers as peace officers now vested in sheriffs and constables within the territory embraced by the named centers."

(b) There is appropriated from the General Fund to the Department of Human Resources the sum of fifty thousand dollars (\$50,000) for the fiscal year 1984-85 for the operation of the special police force authorized by this section of this act.

STANLY AUTISTIC HOME FUNDS.

Sec. 31. There is appropriated from the General Fund to the Department of Human Resources the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85 to cover operating expenses of the Autistic Group Home for Children in Stanly County.

FUNDS FOR TASC PROGRAMS.

Sec. 32. There is appropriated to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of one hundred seventy-seven thousand five hundred seven dollars (\$177,507) for fiscal year 1984-85, to establish TASC programs (Treatment Alternatives to Street Crime programs), which programs are designed to reduce drug related crime and criminal recidivism among substance abusing offenders by providing a mechanism for referral of appropriate offenders to community based treatment programs. Of these funds, fifty-two thousand five hundred seven dollars (\$52,507) shall be allocated to the Cape Fear Substance Abuse Center, serving Brunswick, Pender, and New Hanover Counties; fifty thousand dollars (\$50,000) shall be allocated to Open House, Inc., in Mecklenburg County; twenty-five thousand dollars (\$25,000) shall be allocated to the Forsyth Council on Drug Abuse; twenty-five thousand dollars (\$25,000) shall be allocated to the Drug Counseling and Evaluation Services of the Durham Mental Health Center; and twenty-five thousand dollars (\$25,000) shall be allocated to the High Point Drug Action Council.

HEARING IMPAIRED OUTREACH PROGRAM.

Sec. 33. There is appropriated from the General Fund to the Department of Human Resources the sum of fifty thousand dollars (\$50,000) for

fiscal year 1984-85 for the purpose of continuing the operation of the Resources to Parents and Service Providers Project which provides vital information to health professionals and parents concerning early identification, intervention, and education for hearing impaired children.

BETHLEHEM CENTER FUNDS.

Sec. 34. There is appropriated from the General Fund to Bethlehem Center the sum of thirty thousand dollars (\$30,000) for the fiscal year 1984-85 for a grant-in-aid for operating expenses.

AREA MATCH FUNDING EQUALIZATION.

Sec. 35. (a) There is appropriated from the General Fund the sum of one million one hundred forty-nine thousand seven hundred fifty-four dollars (\$1,149,754) for fiscal year 1984-85 to the Division of Mental Health, Mental Retardation, and Substance Abuse Services of the Department of Human Resources to promote equalization of State appropriated matching funds for area authorities.

(b) The funds appropriated shall be allocated on a matching basis in accordance with G.S. 122-35.55 to equalize the State appropriated matching funds for those area programs which receive less than the median of \$4.706 per capita. Funds appropriated for fiscal year 1984-85 are for the purpose of increasing State matching funds by fifty percent (50%) of the difference between current per capita matching funds and the State median of \$4.706.

NURSING/REST HOME REIMB.

Sec. 36. There is appropriated from the General Fund to the Department of Human Resources, Division of Social Services, the sum of one hundred thousand dollars (\$100,000) for the fiscal year 1984-85 for a one-time appropriation to reimburse those counties that lost funds as a result of the 1984 change in the formula allocating the county share of nursing home and domiciliary care facility costs.

SPECIAL CHILD PROGRAMS FUNDS.

Sec. 37. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services for fiscal year 1984-85 the sum of six hundred seventy-eight thousand nine hundred thirty-three dollars (\$678,933) for early childhood intervention and developmental day services for mentally retarded children. Of these funds five hundred thirty-eight thousand nine hundred thirty-three dollars (\$538,933) are allocated to the Developmental Day Programs and one hundred forty thousand dollars (\$140,000) are allocated to the Early Childhood Intervention Programs.

COMMUNITY CENTERS MR FUNDS.

Sec. 38. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of two hundred fifteen thousand dollars (\$215,000) for fiscal year 1984-85 to provide funds to increase the rate of support in specialized community residential centers serving mentally retarded children. Of this amount, one hundred twenty-five thousand one hundred dollars (\$125,100) shall be allocated to increasing the per child per month rate for each of the 139 children presently funded by a grant-in-aid by seventy-five dollars (\$75.00); and by eighty-nine thousand nine hundred dollars (\$89,900) shall be allocated to provide transition funds for 12 young people who

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have aged out of the program, at a per person per month rate of six hundred twenty-four dollars (\$624.00).

AUTISTIC ADULT GROUP HOME.

Sec. 39. There is appropriated from the General Fund the sum of thirty-two thousand five hundred dollars (\$32,500) for fiscal year 1984-85 to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services. These funds shall be used to start up and operate a group home for high functioning autistic adults.

PREVENTIVE DENTISTRY FUNDS.

Sec. 40. There is appropriated from the General Fund of the State to the Department of Human Resources for fiscal year 1984-85, the amount of three hundred thirty-two thousand five hundred dollars (\$332,500). These funds shall be used to supplement the preventive dental health program and to provide for the employment of 11 public health dental hygienists, one dental equipment technician, one program manager, one clerk-steno, necessary supplies, equipment, travel, and support funds.

General Government

FARM PRODUCTS LIENS FILINGS.

Sec. 41. (a) G.S. 25-9-401(1)(a) is rewritten to read:

“(a) When the collateral is equipment used in farming operations, farm products, accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the register of deeds in the county of the debtor’s residence if the debtor is a resident of this State, but in the office of the register of deeds in the county where the goods are kept if the debtor is not a resident of this State. When the collateral is farm products, an additional filing must be made in the office of the Secretary of State.”

(b) This section shall become effective January 1, 1985.

Sec. 42. (a) G.S. 25-9-401 is amended by renumbering the subsection (5) as subsection (6), and by adding a new subsection (5) to read:

“(5) A filing which is made in the proper place in this State prior to January 1, 1985, continues to be effective even though under this section the place of filing has been changed. The effectiveness of any financing statement or continuation statement filed prior to January 1, 1985, may be continued by a continuation statement or amended as permitted by the Uniform Commercial Code, except that if this section requires a filing in an office where there was no previous financing statement, a new financing statement meeting the requirements of this section shall be filed in that office. Such new financing statement operating as a continuation statement may be filed within six months before the perfection of the security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It shall identify the original financing statement and any amendment or continuation thereof, state the office where and the date when each filing was made, and state the filing number thereof.”

(b) This section shall become effective January 1, 1985.

Sec. 43. (a) G.S. 25-9-402(1) is amended by rewriting the third sentence to read:

“When the financing statement covers crops growing or to be grown, the statement must indicate that the collateral is or includes crops, must contain a description of the real estate concerned, and must contain the county of the

debtor's residence, or where the debtor is not a resident of this State the county where the crops are growing or to be grown."

(b) This section shall become effective January 1, 1985.

FARM PRODUCTS LIENS FUNDS.

Sec. 44. There is appropriated from the General Fund to the Office of the Secretary of State the sum of ninety-nine thousand eighty-six dollars (\$99,086) for fiscal year 1984-85 for the purpose of implementing a system for the central filing of security interests in certain farm products.

MORE TRIBAL TRAINING FUNDS.

Sec. 45. There is appropriated from the General Fund to the Department of Administration the sum of thirty-one thousand five hundred ninety-seven dollars (\$31,597) for the 1984-85 fiscal year for the continued operation of the Tribal Economic Development Project of the Commission of Indian Affairs.

STUDENT LEGISLATURE FUNDS.

Sec. 46. There is appropriated from the General Fund to the Legislative Services Commission the sum of ten thousand dollars (\$10,000) for the 1984-85 fiscal year for a grant to the North Carolina Student Legislature for printing, postage, telephone, and travel expenses, and for the costs of the Student Legislature's annual session.

CONSTITUTION BICENTENNIAL COMM.

Sec. 47. The General Assembly finds that:

(1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;

(2) the Constitution enunciates the limitations on government, the inalienable rights, and the timeless principles of individual liberty and responsibility, and equality before law, for the people of the United States of America;

(3) this document has set an enduring example of representation democracy for the world;

(4) the maintenance of the common principles that animate our Republic depends upon a knowledge and understanding of their roots and origins; and

(5) the North Carolina delegation to the Constitutional Convention served with distinction in the drafting of the Constitution and contributed to the Great Compromise which resulted in a bicameral legislature for the United States Congress.

Sec. 48. Effective December 1, 1984, Chapter 143 of the General Statutes is amended by adding a new Article 61 to read:

"Article 61

"Commission on the Bicentennial of
the United States Constitution.

"§143-563. Statement of purpose.—It is the purpose of this Article to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

"§143-564. Creation of Commission; membership; quorum.—(a) There is established the North Carolina Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the 'Commission'.

(b) The Commission shall be composed of 21 members as follows:

(1) the Chief Justice of the Supreme Court, or his designee;

(2) the President Pro Tempore of the Senate, or his designee;

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- (3) the Speaker of the House of Representatives, or his designee;
- (4) six persons appointed by the Chief Justice;
- (5) six persons appointed by the President Pro Tempore; and
- (6) six persons appointed by the Speaker.

Each of the individuals making appointments shall seek to achieve a balanced membership representing, to the maximum extent practicable, the State as a whole. The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission. Members of the Commission shall be appointed for the life of the Commission.

The Chief Justice, President Pro Tempore and Speaker shall serve as cochairmen, and they shall annually designate one of themselves to preside. Eleven members of the Commission shall constitute a quorum, but a lesser number may conduct meetings. A vacancy in the Commission resulting from the death or resignation of a member shall be filled in the same manner in which the original appointment was made.

“§ 143-565. Officers and staff; compensation.—(a) The cochairmen shall appoint a staff director who shall be paid a salary to be set by the cochairmen. The Director with the approval of the cochairmen may appoint and fix the compensation of such additional publicly paid personnel up to five persons.

(b) Subject to the provisions of this subsection, the Director with the approval of the cochairmen may appoint and fix the compensation of additional personnel to be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment.

(c) Each member of the Commission shall serve without being compensated as a member of the Commission, except that each member who is not a State officer or employee shall be reimbursed for travel, and subsistence, as is provided for State employees generally. State officers and employees shall be reimbursed as provided in G.S. 138-6, and members of the General Assembly shall be reimbursed as provided in G.S. 120-3.1(a)(4).

(d) No personnel other than the staff director may be appointed prior to the convening of the 1985 General Assembly.

(e) Whenever this Article requires something to be done by the cochairmen or to be approved by the cochairmen, it must be done or approved by a majority of them.

(f) Any expenditures of funds by the Commission, regardless of the source, must be approved by the cochairmen.

“§ 143-566. Transfer of property; offices; power to contract.—(a) Upon request of the Commission, the head of any State agency may assign any property, equipment, and personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Article. Assignments under this subsection shall be without reimbursement by the Commission to the agency from which the assignment was made.

(b) The Office of State Property, North Carolina Department of Administration, shall provide office space in Raleigh for use as Commission offices, and the Department of Administration shall receive no reimbursement from the Commission for the use of such property during the life of the Commission.

(c) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation acts or are donated pursuant to G.S. 143-567.

“§ 143-567. Commission may accept gifts.—The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services. The commission shall prescribe regulations under which the Commission may accept donations of money, property, or personal services. The regulations prescribed under this subsection shall include procedures for determining the value of donations of property or personal services.

“§ 143-568. Logo.—The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations, regarding the use of such logo, except that under those regulations, the Commission shall be prohibited from selling, leasing, or otherwise granting to any corporation or private person the right to use the logo in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

“§ 143-569. Duties of the Commission.—(a) The Commission shall:

- (1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the State of North Carolina seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;
- (2) encourage private organizations and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;
- (3) coordinate, generally, activities throughout all of the State; and
- (4) serve as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to:

- (1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates of this State;
- (2) the contribution of diverse ethnic and racial groups;
- (3) the relationship and historical development of the three branches of the Government;
- (4) the importance of activities concerning the Constitution and citizenship education throughout the State;
- (5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;
- (6) the diverse legal and philosophical views regarding the Constitution;
- (7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;
- (8) the substantive provisions of the Constitution itself;
- (9) the impact of the Constitution on American life and government;

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(10) the need to encourage appropriate educational curriculums designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document; and

(11) the significance of the principles and institutions of the Constitution to other nations and their citizens.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations.

(d) The Commission may, in carrying out the purposes of this Article, be designated as a State Advisory Commission under Section 6(d) of P.L. 98-101.

(e) Within two years after December 1, 1984, the Commission shall submit to each House of the General Assembly and to the Administrative Office of the Courts a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. The report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after submitting the comprehensive report, the Commission shall submit an annual report to each House of the General Assembly, and the Administrative Office of the Courts until such Commission terminates.

"§ 143-570. Termination of Commission.—The Commission shall terminate on December 31, 1989."

Sec. 49. There is appropriated from the General Fund to the Office of State Budget and Management for fiscal year 1984-85 the sum of three hundred thousand dollars (\$300,000) for the North Carolina Commission on the Bicentennial of the United States Constitution for use during the term of the Commission.

JUVENILE STUDY COMM. FUNDS.

Sec. 50. There is appropriated from the General Fund to the Department of Administration the sum of ten thousand dollars (\$10,000) for the fiscal year 1984-85 to provide funds to enable the Juvenile Law Study Commission to carry out its legislative mandate pursuant to Article 58 of Chapter 7A of the General Statutes.

CRIMINAL CODE STUDY FUNDS.

Sec. 51. There is appropriated from the General Fund to the Legislative Services Commission for fiscal year 1984-85 the sum of twenty thousand dollars (\$20,000) for the purpose of continuing the work of the Criminal Code Revision Study Committee as established by Chapter 921 of the 1983 Session Laws.

FY 85 CONTINGENCY RESERVES.

Sec. 52. There is appropriated from the General Fund to the Office of Budget and Management one million five hundred thousand dollars (\$1,500,000) into two non-recurring contingency reserves which may be used for selected economic and industrial development, historical, restorative, community development, health and public safety, agricultural, educational, or human services projects.

APA FUNDS.

Sec. 53. There is appropriated from the General Fund to the Office of the Governor, Office of State Budget and Management for the fiscal year 1984-85 the sum of five hundred thousand dollars (\$500,000) to be placed in a

Reserve for the Implementation of the Administrative Procedure Act (HB 1784, 1983 Session). From the ratification date of HB 1784, 1983 Session, through December 31, 1984, the Director of the Budget may make transfers from the Reserve. After December 31, 1984 transfers from the Reserve shall be authorized by an act of the General Assembly.

OVERSIGHT OF COMP. MAJOR MEDICAL PLAN.

Sec. 54. There is appropriated from the General Fund to the Office of State Budget and Management for fiscal year 1984-85 the sum of fifty thousand dollars (\$50,000) for continuing oversight activities in accordance with G.S. 135-39.3.

Justice and Public Safety

FUNDS FOR WINGS PROGRAM.

Sec. 55. There is appropriated from the General Fund to the Department of Correction the sum of five thousand dollars (\$5,000) for fiscal year 1984-85, to provide funds to continue the WINGS cultural program at North Carolina Correctional Center for Women.

RADAR ACT FUNDS.

Sec. 56. There is appropriated from the General Fund to the Department of Justice for fiscal year 1984-85 the sum of ninety-seven thousand four hundred thirty-five dollars (\$97,435) in order to certify North Carolina law enforcement officers in the use of radio microwave or other speed measuring instruments as required by G.S. 8-50.2.

WAKE AND DURHAM DISPUTE CENTERS.

Sec. 57. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of forty-five thousand dollars (\$45,000) for fiscal year 1984-85 as a grant-in-aid for a dispute settlement center in Wake County and the sum of five thousand dollars (\$5,000) for fiscal year 1984-85 as a grant-in-aid for a dispute settlement center in Durham County. The Wake County and Durham County dispute settlement centers shall be subject to the provisions of General Statutes Chapter 7A.

APPROP. - COMM. PENALTIES ACT.

Sec. 58. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1984-85 to further implement the provisions of the Community Penalties Act of 1983.

BUTNER PUBLIC SAFETY DIV.

Sec. 59. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of one hundred thirty-eight thousand seven hundred thirty-one dollars (\$138,731) for fiscal year 1984-85 for three new positions and the purchase of motor vehicles for the Butner Public Safety Division.

NATIONAL GUARD TUITION FUNDS.

Sec. 60. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of forty-five thousand two hundred thirteen dollars (\$45,213) for fiscal year 1984-85 for the National Guard Tuition Assistance Program.

Natural Resources

PEANUT RESEARCH FUNDS.

Sec. 61. There is appropriated from the General Fund to the Department of Agriculture the sum of two hundred twenty-two thousand eight

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hundred thirty-eight dollars (\$222,838) for fiscal year 1983-84 for construction of an irrigation system at the Peanut Belt Research Station at Lewiston.
NATURAL HERITAGE PROGRAM FUNDS.

Sec. 62. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of one hundred thousand dollars (\$100,000) for the 1984-85 fiscal year for the Natural Heritage Program.
MCGRADY FIRE DEPARTMENT.

Sec. 62.1. There is appropriated from the General Fund to the McGrady Fire Department in Wilkes County for fiscal year 1984-85 the sum of two thousand dollars (\$2,000) as a grant-in-aid for operating expenses.
CARTERET ARTIFICIAL REEF FUNDS.

Sec. 63. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of one hundred thousand dollars (\$100,000) for the 1984-85 fiscal year to establish and maintain an artificial reef in the waters off Carteret County.
PASQUOTANK FARMERS MARKET.

Sec. 64. There is appropriated from the General Fund to Pasquotank County the sum of fifty thousand dollars (\$50,000) for fiscal year 1984-85, to provide funds for a Farmers Market in Pasquotank County.

Sec. 65. Section 2 of Chapter 226, 1983 Session Laws, as amended by Section 6 of Chapter 853, 1983 Session Laws, is further amended by deleting "Halifax County" and by substituting "Halifax and Pasquotank Counties".
WESTERN N. C. AGRICULTURAL CTR. FUNDS.

Sec. 66. There is appropriated from the General Fund to the North Carolina Department of Agriculture the sum of five hundred thousand dollars (\$500,000) for fiscal year 1984-85 for the purchase of land and expansions at the Western North Carolina Agricultural Center at Fletcher, North Carolina.
GYPSY MOTH TREATMENT.

Sec. 67. There is appropriated from the General Fund to the Department of Agriculture the sum of seventy-two thousand nine hundred sixty-six dollars (\$72,966) for fiscal year 1984-85 for the purpose of funding a program for spot treatments of gypsy moth infestations and a statewide detection program for the pest.

This appropriation shall become a part of the Department of Agriculture's continuation budget for fiscal year 1985-86.
BELHAVEN BOAT HARBOR.

Sec. 68. There is appropriated from the General Fund to the Town of Belhaven the sum of twenty thousand dollars (\$20,000) for fiscal year 1984-85 for continuing construction of a boat harbor to serve the Pungo District Hospital in Belhaven.
POULTRY RESEARCH FACILITY FUNDS.

Sec. 69. There is appropriated from the General Fund to the Department of Agriculture the sum of one hundred thousand dollars (\$100,000) as a Reserve for fiscal year 1984-85 for renovation of old breeder research facilities at the Piedmont Research Station.
RAILROAD RIVER DRAW FUNDS.

Sec. 70. There is appropriated from the Highway Fund to the Department of Transportation for the 1984-85 fiscal year the sum of three

hundred thousand dollars (\$300,000) as a grant-in-aid to the Atlantic and North Carolina Railroad Company for the design of a new draw to replace an old draw.
FUNDS FOR BRANCH AGENTS COMMISSION.

Sec. 71. There is appropriated from the Highway Fund to the Department of Transportation the sum of three hundred ten thousand dollars (\$310,000) for the 1984-85 fiscal year to provide funds for the commission increase provided for in Section 202 of Chapter 1034 of the 1983 Session Laws.
CHARLOTTE MARKET FUNDS.

Sec. 72. There is appropriated from the General Fund to the Department of Agriculture the sum of three hundred thousand dollars (\$300,000) for fiscal year 1984-85 for further development and improvement of the Charlotte Regional Farmers Market.
BATH WATER AND SEWER.

Sec. 72.1. There is appropriated from the General Fund to the Town of Bath the sum of seventy thousand dollars (\$70,000) for fiscal year 1984-85 for water and sewer projects.
FAYETTEVILLE FARMERS MARKET.

Sec. 72.2. There is appropriated from the General Fund to the City of Fayetteville for fiscal year 1984-85 the sum of one hundred thousand dollars (\$100,000) to provide additional funds for a Fayetteville municipal farmers market.

TITLE II—STATEWIDE SPECIAL PROVISIONS

SCHOOL LIABILITY INSURANCE FUND ALLOCATION

Sec. 73. Funds to be used for the purpose set out in Section 3 of Chapter 1399 of the 1981 Session Laws shall be allocated to local school administrative units based on the number of State-allotted personnel covered.
MAINTENANCE SUPERVISOR FUNDS

Sec. 74. Section 32 of Chapter 1034 of the 1983 Session Laws is rewritten to read:

“Sec. 32. Of the funds appropriated in Section 2 of Chapter 971 of the 1983 Session Laws to the Department of Public Education, the sum of two million four hundred twenty thousand eight hundred five dollars (\$2,420,805) in expansion funds shall be used to fund partially a maintenance supervisor position in each local school administrative unit in the State. To fund fully these positions, there is appropriated from the General Fund to the Department of Public Education the additional sum of one hundred forty thousand nine hundred ninety-three dollars (\$140,993) for fiscal year 1984-85 for a maintenance supervisor position in each local school administrative unit in the State. The allotment of funds to an individual school administrative unit shall be based on rules, regulations, and criteria established by the State Board of Education for maintenance supervisors. The total allocations shall be made within funds available in this section and in the continuation and expansion budgets for this purpose.”

CLARIFY COMPETENCY TESTING/MEASUREMENT

Sec. 75. Section 8 of Chapter 1034 of the 1983 Session Laws (1984 Regular Session) is amended as follows:

(1) by inserting the phrase “in grades 3, 6, and 9” between the words “use” and “in” in the second sentence of that section; and

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(2) by inserting the phrase “, including those for high school courses and for writing,” between the words “programs” and “shall” in the last sentence of that section.

WILLIE M.

Sec. 76. In addition to reports required by Section 61 of Chapter 1034 of the 1983 Session Laws, the Departments of Human Resources and Public Education shall report periodically to the Commission on Children with Special Needs, as requested by the Commission, on operations of programs to benefit Willie M. class members.

STAFF DEVELOPMENT FUNDS

Sec. 77. Of the funds appropriated to the State Board of Education in Section 2 of Chapter 971 of the 1983 Session Laws, one million three hundred sixty-three thousand eight hundred twenty-five dollars (\$1,363,825) shall be allocated to local school administrative units, according to rules adopted by the State Board of Education, for the purpose of providing staff development for certified school personnel.

CALDWELL COMMUNITY COLLEGES

Sec. 78. The funds allocated in Section 36 of Chapter 1034 of the 1983 Session Laws to the Department of Community Colleges for capital projects at Caldwell Community College in the amount of two hundred fifty thousand dollars (\$250,000) shall be spent only for construction of the Early Childhood Education Training Center.

BATH HISTORIC SITE

Sec. 79. There is appropriated from the General Fund to the Department of Cultural Resources for fiscal year 1984-85 the sum of twenty-six thousand five hundred fifty dollars (\$26,550) to add two employees at the Bath Historic Site.

MODIFY DHR BED FREEZE

Sec. 80. Notwithstanding any plans or rules of the Department of Human Resources to the contrary, a certificate of need may be granted for skilled or intermediate care facilities in a county in which a county-owned licensed skilled nursing facility or intermediate care facility has been closed, demolished, or destroyed, in whole or in part, on or before January 1, 1983, but only to the extent that licensed beds were taken out of use as a result of the closure, demolition, or destruction of a facility.

REIMBURSEMENT FOR MEDICAID PRESCRIPTIONS

Sec. 81. Section 62(a)(5) of Chapter 1034 of the 1983 Session Laws is amended by deleting the language “three dollars and twenty-two cents (\$3.22)” and substituting “three dollars and thirty-six cents (\$3.36)”.

ICF-MR LONG-TERM CARE

Sec. 82. (a) G.S. 143-127.1(d) is amended to read:

“(d) Notwithstanding any other provisions of the law, for the purposes of determining eligibility for medical assistance under Title XIX of the Social Security Act, the income and financial resources of the natural or adoptive parents of a person who is under the age of 19 and who is a patient in a medical institution shall not be counted if the patient’s physician certifies that the care and treatment is expected to exceed 12 months.”

(b) This section expires June 30, 1986.

AID TO DISABLED CITIZENS

Sec. 83. Section 64 of Chapter 1034 of the 1983 Session Laws is amended in the first sentence by deleting the words “not to exceed six hundred thousand dollars (\$600,000)” and substituting “in the amount of one million two hundred thousand dollars (\$1,200,000)”.

EYE CLINICS

Sec. 84. No funds shall be expended for the Department of Human Resources, Division of Services for the Blind, to hold eye clinics in any county in which an optometrist or ophthalmologist is willing to perform the services that would otherwise be performed by the clinic.

CONSENT JUDGMENTS

Sec. 85. (a) G.S. 114-2.2(c), as enacted by Section 95(a) of Chapter 1034 of the 1983 Session Laws, is amended by adding the following before the final period: “and consent judgments under the provision of Article 31 of Chapter 143 (Tort Claims Act) and Chapter 97 (Workers’ Compensation Act) of the General Statutes”.

(b) G.S. 114-2.1, as amended by Section 95(d) of Chapter 1034, Session Laws of 1983, is amended by deleting “tort claims”, and inserting in lieu thereof “tort claims and workers’ compensation claims”.

APPROP./INDIGENT PERSON'S ATTORNEY FEES

Sec. 86. Section 2 of Chapter 971 of the 1983 Session Laws is amended in the appropriations schedule by deleting the entry:

“Indigent Person’s Attorney Fee	\$ 12,931,431”
and substituting:	

“Indigent Person’s Attorney Fee	10,931,431”;
and by deleting the entry:	

“GRAND TOTAL CURRENT OPERATIONS- GENERAL FUND	\$ 4,271,324,840”
and substituting:	

“GRAND TOTAL CURRENT OPERATIONS- GENERAL FUND	\$ 4,269,324,840”.
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MAGISTRATE TRAINING

Sec. 87. G.S. 7A-177 is amended by designating the current language as subsection (a) and by adding a new subsection to read:

“(b) Training courses shall be provided at such times and locations as necessary to assure that they are conveniently available to all magistrates without extensive travel to other parts of the State. Courses shall be provided in Asheville for the magistrates from the western region of the State.”

WILDLIFE FUND GETS SALES TAX FUNDS

Sec. 88. (a) Division VIII of Article 5 of Chapter 105 of the General Statutes is amended by adding a new section to read:

“§ 105-164.45A. Transfer to Wildlife Resources Fund of taxes on hunting and fishing supplies and equipment.—The estimated amount of State sales and use taxes collected on hunting and fishing supplies and equipment for fiscal year 1985-86 is two million dollars (\$2,000,000). This amount shall be used to determine the amount of sales and use tax collections transferred by the Secretary of Revenue to the State Treasurer for the Wildlife Resources Fund. During fiscal year 1985-86 the Secretary of Revenue shall transfer one-twelfth of two million dollars (\$2,000,000) each month to the State Treasurer for the Wildlife Resources Fund. During following fiscal years the Secretary of Revenue shall transfer one-twelfth of two million dollars (\$2,000,000) each

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month to the State Treasurer for the Wildlife Resources Fund, plus or minus the percentage of that amount by which the total collection of State sales and use taxes increased or decreased during the preceding fiscal year.”

(b) There is appropriated from the General Fund to the Wildlife Resources Commission the sum of five hundred thousand dollars (\$500,000) for the 1984-85 fiscal year to provide for improvements in the Wildlife Law Enforcement Division.

(c) All of the funds collected by the Secretary of Revenue and transferred to the North Carolina Wildlife Resources Commission pursuant to this section shall be obligated and expended by the Commission in accordance with Article 1 of Chapter 143 of the North Carolina General Statutes. Of the additional financial support generated annually by the provisions of this section for the Wildlife Commission, an amount not less than fifty percent (50%) shall be obligated and expended by the Commission annually for capital improvements and other nonrecurring purposes.

CLARIFY HIGHWAY PATROL SALARIES

Sec. 89. G.S. 20-187.3, as amended by Section 106, Chapter 1034 of the 1983 Session Laws, is further amended by adding the following sentences at the end of subsection (a):

“Members of the Highway Patrol shall, however, be subject to salary classes, ranges and longevity pay for service as are applicable to other State employees generally. Beginning July 1, 1985, and annually thereafter, each member of the Highway Patrol shall be granted a salary increase in an amount corresponding to the increments between steps within the salary range established for the class to which the member’s position is assigned by the State Personnel Commission, not to exceed the maximum of each applicable salary range.”

HIGHWAY PATROL/SECRETARY SALARY INCREASE

Sec. 90. The pay schedule established by the Division of Personnel of the Department of Administration for clerk stenographers in the district offices of the Highway Patrol is changed by increasing the salary grade for each clerk stenographer by three grades. In addition to other monies appropriated to the Department of Crime Control and Public Safety, the sum of sixty thousand dollars (\$60,000) is appropriated from the Highway Fund for the 1984-85 fiscal year for this purpose.

LONGEVITY PAY/UTILITIES COMMISSION

Sec. 91. (a) G.S. 62-10(h) is amended by adding two new sentences at the end to read:

“In lieu of merit and other increment raises paid to regular State employees, each commissioner, including the commissioner designated as chairman, shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, and nine and six-tenths percent (9.6%) after 10 years of service. ‘Service’ means service as a member of the Utilities Commission.”

(b) Funds are appropriated to the Department of Commerce in Section 2 of Chapter 971 of the 1983 Session Laws for the purpose set out in this section.

PUBLIC TELECOMMUNICATIONS AGENCY MEMBERS

Sec. 92. G.S. 143B-426.9(8) is rewritten to read:

“The Chairman of the OPEN/net Committee, ex officio, so long as such person is not a State employee.”

HEALTH EDUCATION CENTER

Sec. 94. The Department of Administration, after consultation with the Advisory Budget Commission, shall provide appropriate space for the Health Education Center, which is currently located within the Museum of Natural History, close to the Museum of Natural History. No State funds shall be used for the operation of the Health Education Center. The Director of the Museum of Natural History shall coordinate the operation of the Health Education Center.

DHR AND CORRECTION CAPITAL PROJECTS

Sec. 95. G.S. 143-31.1 is amended by adding at the end the following paragraph:

“Notwithstanding G.S. 143-135, the Director of the Budget may authorize the Department of Human Resources and the Department of Correction to use funds necessary for projects that correct deficiencies, improve living conditions, or renovate unneeded patient space for State office space.”

PERSONNEL CHANGES

Sec. 96. Section 33 of Chapter 1034 of the 1983 Session Laws is repealed.

SALES AND PURCHASES OF LAND

Sec. 97. (a) G.S. 146-22 is amended by changing the period at the end of that section to a semicolon and adding the following: “provided that if the proposed acquisition is a purchase of land with an appraised value of at least twenty-five thousand dollars (\$25,000), and the acquisition is for other than a transportation purpose, the acquisition may only be made after consultation with the Joint Legislative Commission on Governmental Operations. In determining whether the appraised value is at least twenty-five thousand dollars (\$25,000), the value of the property in fee simple shall be used. The State may not purchase land as a tenant-in-common without consultation with the Joint Legislative Commission on Governmental Operations if the appraised value of the property in fee simple is at least twenty-five thousand dollars (\$25,000).”

(b) G.S. 146-74 is amended by inserting a new sentence between the first and second sentences of that section to read:

“If the proposed conveyance is of State lands with an appraised value of at least twenty-five thousand dollars (\$25,000), and it is for other than a transportation purpose, the Council of State shall consult with the Joint Legislative Commission on Governmental Operations before making a final decision on the proposed conveyance.”

(c) G.S. 146-32 is amended by adding a new subdivision to read:

“(3) No rule or regulation adopted under this section may exempt from the provisions of G.S. 146-25.1 any class of lease or rental which has a duration of more than 21 days.”

(d) G.S. 146-30 is amended by deleting the period at the end of the first paragraph and adding the following:

“, but if the appraised value in fee simple of any property involved in the exchange is at least twenty-five thousand dollars (\$25,000), then such exchange

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may not be made without consultation with the Joint Legislative Commission on Governmental Operations.”

(e) G.S. 146-25.1(a) is amended by deleting “seven thousand five hundred dollars (\$7,500)”, and inserting in lieu thereof “twelve thousand dollars (\$12,000)”.

PRIVATE LICENSE PLATES ON STATE-OWNED CARS

Sec. 98. Section 121 of Chapter 1034 of the 1983 Session Laws is amended in the chart by deleting the language:

“15 Industrial Development Reps.

4 International Development Reps.

1 Economic Development Director”

and substituting:

“27 Economic Development Program”.

Sec. 99. Section 121 of Chapter 1034 of the 1983 Session Laws is amended in the chart by amending the total number for Commerce to read “33” and by amending the total number at the bottom of the chart to read “1089”.

GOLF HALL OF FAME REPAIRS

Sec. 100. Of the funds appropriated in Section 3 of Chapter 971 of the 1983 Session Laws to the Reserve for Statewide Repairs and Renovations, the sum of up to one hundred fifty thousand dollars (\$150,000) shall be used for repairs and renovations of the Golf Hall of Fame in Pinehurst.

LIBRARY REPAIR

Sec. 101. The Director of the Budget may use up to five hundred thousand dollars (\$500,000) in lapsed capital improvement funds to assist local libraries with repair and renovation projects.

NEED-BASED STUDENT LOANS

Sec. 104. G.S. 143-47.21 is amended by inserting immediately after the phrase “in an accredited degree-granting program” the phrase “or in an accredited program granting a diploma or an approved certificate”.

TRUCK WEIGHT EXEMPTIONS

Sec. 105. The first sentence of G.S. 20-118(i)(2) is amended by deleting the phrase “which were manufactured and licensed by the Division of Motor Vehicles prior to October 1, 1983,”.

Sec. 106. G.S. 20-118(i)(2)e. is amended by deleting “and” the second time it appears.

Sec. 107. G.S. 20-118(i)(2)f. is amended by deleting the period at the end and substituting the language “, and”.

Sec. 108. G.S. 20-118(i)(2) is further amended by adding a new subdivision g. to read:

“g. Three, four, or five-axle vehicles transporting garbage, refuse, and trash.”

Sec. 109. G.S. 20-118(j)(1) is amended by deleting the phrase “which were manufactured and licensed by the Division of Motor Vehicles prior to October 1, 1983,”.

SALARIES/SERGEANT AT ARMS; READING CLERK

Sec. 110. G.S. 120-37(b) is amended by deleting the language “one hundred twenty-six dollars (\$126.00)” and substituting “one hundred fifty dollars (\$150.00)”.

TRI-COUNTY COMM. COLLEGE

Sec. 110.1. Notwithstanding the matching requirements in Section 36 of Chapter 1034 of the 1983 Session Laws, Tri-County Community College shall

not be required to provide matching funds for capital appropriations as allocated to the Tri-County Community College in Section 36 of Chapter 1034 of the 1983 Session Laws.

COMPENSATION EQUALIZATION

Sec. 111. Effective July 1, 1986, G.S. 126-16 is amended immediately before the language “, without” by inserting the words: “and compensation”.

VANCE-GRANVILLE COMM. COL. ALLOCATION

Sec. 111.1. Of the funds allocated in Section 36 of Chapter 1034 of the 1983 Session Laws to Vance-Granville Technical College, five hundred thousand dollars (\$500,000) shall be used for the construction of a student development center at the Vance-Granville Technical College. The remaining five hundred thousand dollars (\$500,000) allocated to Vance-Granville Technical College in Section 36 of Chapter 1034 of the 1983 Session Laws shall be transferred to the Office of the Governor, Office of State Budget and Management as a reserve for the building of a satellite campus in the Butner-Creedmoor area.

SUBSIDY FOR LOCAL OFFICERS IN LEO

Sec. 112. There is appropriated from the General Fund to the Department of State Treasurer for fiscal year 1984-85 the sum of three million four hundred sixty-six thousand six hundred fifty dollars (\$3,466,650) to continue the State subsidy for local officers in the Law Enforcement Officers' Retirement System at one half of the previous subsidy. It is the intent of the General Assembly that the foregoing subsidy be eliminated beginning July 1, 1985.

The Department of State Treasurer shall notify in writing every local government employer (county commissioners, municipal councils, and commissions, etc.) participating in the Law Enforcement Officers' Retirement System not later than September 30, 1984, that the State subsidy for locally employed law enforcement officers in the Law Enforcement Officers' Retirement System will be eliminated beginning July 1, 1985.

NO SPECIAL BOND/PENSION FUND

Sec. 113. The fourth sentence of G.S. 118-36 is amended by deleting the words “shall be bonded in such amount as may be determined by the board, and he”.

DURHAM ABC BOARD

Sec. 113.1. (a) Chapter 299, Session Laws of 1981 is repealed.

(b) Notwithstanding G.S. 18B-700 and in order to insure a smooth transition from the method of appointment and organization of the Durham ABC Board as set out in Chapter 299 of the Session Laws of 1981, to the method provided by Chapter 18B of the General Statutes, each new appointment to the Board shall not be made until the term of each member currently appointed and serving on the Board expires.

HOSPITAL AND MEDICAL CLAIMS

Sec. 114. Notwithstanding the provisions of Article 3 of Chapter 135 of the General Statutes, the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall make payments for any eligible hospital or medical claims incurred between January 1, 1981, and September 30, 1982, that have not been presented for payment to the Predecessor Plan prior to January 1, 1984, provided such payments are made on

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or before September 30, 1984, in accordance with the plan of benefits in effect at the time the claims were incurred.

TITLE III—MISCELLANEOUS

Sec. 115. If any section or provision of this act is declared unconstitutional or invalid by the courts, it shall not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Sec. 116. Unless otherwise specified, funds appropriated in this act shall be disbursed by the Office of State Budget and Management. The appropriations made in this act are for the public purposes expressed in each section.

Sec. 117. All funds appropriated by the General Assembly for fiscal year 1984-85 for dispute settlement centers, dispute mediation centers, or other similar centers as grants-in-aid shall be administered in accordance with rules promulgated by the Administrative Office of the Courts. The State Auditor or the Administrative Officer of the Courts may inspect, examine, and audit the fiscal affairs of centers receiving funds through the Administrative Office of the Courts.

Sec. 118. The headings preceding each section of this act are included for reference purposes only, and in no way do they limit, expand, define, prescribe, or otherwise affect the scope or application of this act.

Sec. 119. Except as specifically provided otherwise, this act is effective July 1, 1984.

In the General Assembly read three times and ratified, this the 7th day of July, 1984.

RESOLUTIONS

H. R. 1509

RESOLUTION 56

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SAFE ROADS ACT.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SAFE ROADS ACT."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1984.

H. R. 1503

RESOLUTION 57

A JOINT RESOLUTION AUTHORIZING CONSIDERATION OF A BILL CONCERNING REGIONAL RECIPROCAL INTERSTATE ACQUISITIONS OF SAVINGS AND LOAN ASSOCIATIONS.

Whereas, the 1983 General Assembly directed the Legislative Research Commission to study the taxation and regulation of banks, savings and loan associations and credit unions; and

Whereas, pursuant to that direction, the Legislative Research Commission has transmitted to the 1983 General Assembly, 1984 Session, the Report of its Committee on the Taxation and Regulation of Banks, Savings and Loan Associations, and Credit Unions; and

Whereas, that report recommends the enactment of legislation authorizing regional reciprocal interstate banking and contains legislation to implement that recommendation; and

Whereas, that report does not contain comparable legislation regarding savings and loan associations but does recommend that the 1984 Regular Session of the 1983 General Assembly enact legislation: "to authorize regional reciprocal interstate activities for thrift institutions on the same basis as that recommended for commercial banks, and effective at the same time, if, and only if, the thrift industry reaches a consensus that economic conditions at that time will permit the industry to utilize the authority granted."; and

Whereas, that consensus has been reached;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, 1984 Regular Session, may consider a bill to be entitled: "AN ACT TO PERMIT INTERSTATE MERGERS AND ACQUISITIONS OF SAVINGS AND LOAN ASSOCIATIONS AND SAVINGS AND LOAN HOLDING COMPANIES ON A RECIPROCAL BASIS WITHIN A SPECIFIED REGION."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1984.

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H. R. 1548

RESOLUTION 58

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SAM D. BUNDY, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Whereas, Sam D. Bundy, late a member of the House of Representatives, born July 16, 1906, in Farmville, Pitt County, devoted his life to the enrichment of others, serving as principal of the public school systems of Farmville and of Duplin, Edgecombe and Martin Counties, including service as principal of the Sam Bundy School, and serving as president of both the Pitt County and the Northeastern District Chapters of the North Carolina Association of Educators; and

Whereas, Sam D. Bundy also made his mark in the field of higher education as a member of the Board of Trustees of Mount Olive College, an institution which enjoyed his unflinching devotion and support; and

Whereas, Sam D. Bundy was active in every civic undertaking in his community throughout his adult life; he was honored in 1974 as Farmville's Man of the Year and in 1980 as Pitt County Citizen of the Year. As a member of Kiwanis International he served in every office in his local club from local Board of Directors to Governor of the Carolinas District, and he had a perfect attendance record for 39 years; and

Whereas, Sam D. Bundy was a devout and active member of the Disciples of Christ Church, teaching a Men's Class of the Farmville Christian Church for the last 29 years of his life and serving as President of the North Carolina Christian Men's Fellowship and the State Convention of Disciples of Christ; and

Whereas, Sam D. Bundy was a man of exceptional wit, humor and charm who had few equals as an after-dinner speaker and as such was much sought after as a speaker for and endeared to audiences throughout the United States; and

Whereas, Sam D. Bundy made an indelible imprint in the field of public service in North Carolina having served continuously in the House of Representatives from 1970 until his untimely death on January 19, 1983; having served two terms on the State Advisory Budget Commission where his accumulated wisdom, experience and common sense made him one of the most prominent members of that important body; and having served his constituents with unmatched dedication and concern for their well-being as a great and good man and a true servant of humankind; and

Whereas, it is only proper that the General Assembly of North Carolina acknowledge and express appreciation for the life and works of this extraordinary educator, lawmaker, and human being;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the life and service of its former member Sam D. Bundy and expresses its gratitude for his life and example and for his service to the people of his district and to the people of North Carolina.

Sec. 2. The General Assembly of North Carolina expresses its deepest sympathy to the family of Sam D. Bundy, including his wife Bettie Spencer

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Bundy and his sons Sam D. Bundy, Jr., and James Henry Bundy, for the loss of this loved one and distinguished citizen.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Sam D. Bundy.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1984.

S. R. 713

RESOLUTION 59

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A MUNICIPAL STREET AS PART OF THE RIGHT-OF-WAY WHEN IMPROVING A STATE HIGHWAY.

Be it resolved by the Senate, the House of Representative concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A MUNICIPAL STREET AS PART OF THE RIGHT-OF-WAY WHEN IMPROVING A STATE HIGHWAY."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1984.

S. R. 772

RESOLUTION 60

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO RENAME STATE HIGHWAY 704 AS THE "WESLEY D. WEBSTER HIGHWAY".

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO RENAME STATE HIGHWAY 704 AS THE 'WESLEY D. WEBSTER HIGHWAY'."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1984.

H. R. 1655

RESOLUTION 61

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REPEAL OR AMEND VARIOUS STATUTES TO CONFORM WITH THE NORTH CAROLINA RULES OF EVIDENCE.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO REPEAL OR AMEND VARIOUS STATUTES TO CONFORM WITH THE NORTH CAROLINA RULES OF EVIDENCE."

Sec. 2. This resolution is effective upon ratification.

Resolutions—1984

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

H. R. 1524

RESOLUTION 62

A JOINT RESOLUTION PROVIDING FOR JOINT SESSIONS OF THE HOUSE COMMITTEE ON PUBLIC UTILITIES AND THE SENATE COMMITTEE ON PUBLIC UTILITIES AND ENERGY TO REVIEW THE GOVERNOR'S APPOINTEE TO THE UTILITIES COMMISSION AND PROVIDING FOR A JOINT SESSION OR SESSIONS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ACT ON CONFIRMATION OF APPOINTMENT MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

Whereas, under the provisions of G.S. 62-10 appointments made by the Governor to fill vacancies in the membership of the North Carolina Utilities Commission are subject to confirmation by the General Assembly in joint session; and

Whereas, a vacancy existed on the Utilities Commission while the legislature was not in session by reason of the resignation of Commissioner Leigh Hammond and the Governor has made an interim appointment pursuant to G.S. 62-10(g); and

Whereas, the Governor has submitted to the presiding officers of the House of Representatives and the Senate an appointment to fill the vacancy for the remainder of Commissioner Hammond's term;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy shall, in joint session, review the appointee of the Governor for the vacancy if the committees deem such action appropriate, and shall report their recommendations developed in joint session to a joint session of the House of Representatives and the Senate.

Sec. 2. The House of Representatives and the Senate shall meet in the House Chamber in joint session or sessions on a date or dates to be fixed jointly by the Speaker of the House and the President of the Senate, the date of the first such session being not later than June 21, 1984, to receive the report of their committees and for the purpose of voting on confirmation of the appointment of the Governor to fill the vacancy if the two houses deem such action appropriate.

Sec. 3. In any joint session of the House of Representatives and the Senate for the purposes set out in Section 2 of this resolution, the roll of the House shall be called and the vote taken, then the roll of the Senate shall be called and the vote taken on the question of confirmation of the appointee, after which the vote in each house shall be tabulated and announced. Approval of a majority of those present and voting of each house shall be required for confirmation. Other proceedings in the joint session shall be governed by the Rules of the North Carolina House of Representatives insofar as those Rules are applicable.

Sec. 4. This resolution is effective upon ratification.

Resolutions—1984

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

S. R. 803 **RESOLUTION 63**

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ADD VARIOUS ACTS WHICH MAY CONSTITUTE GROUNDS FOR DISCIPLINE OF CHIROPRACTORS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO ADD VARIOUS ACTS WHICH MAY CONSTITUTE GROUNDS FOR DISCIPLINE OF CHIROPRACTORS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

S. R. 702 **RESOLUTION 64**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SENATOR JULIAN R. ALLSBROOK.

Whereas, Julian R. Allsbrook was born in Roanoke Rapids, North Carolina on February 17, 1903, and graduated from the Roanoke Rapids public schools in 1920; and

Whereas, Julian R. Allsbrook attended The University of North Carolina from 1920 to 1924, graduating from the School of Law in 1924, and was a member of the Order of the Golden Fleece and the Order of the Grail; and

Whereas, Julian R. Allsbrook made a distinguished career in the practice of law in Roanoke Rapids; and

Whereas, Julian R. Allsbrook was first elected to the North Carolina Senate in 1935 and did not seek re-election; served as a member of the North Carolina House of Representatives in 1941; and resigned the Democratic Nomination for Senator from the Sixth District in 1942 to enter active duty as a lieutenant in the U. S. Naval Reserve; and

Whereas, Julian R. Allsbrook was elected Senator in 1947, 1949, 1951, 1965, and every term thereafter; and

Whereas, Julian R. Allsbrook served in the 1983 General Assembly as the Senator from the Sixth District, composed of Warren County and parts of Edgecombe and Halifax Counties; and

Whereas, as a distinguished member of the North Carolina Senate, Julian R. Allsbrook earned the respect and admiration of his fellow legislators and was appointed Chairman of the Judiciary I Committee and Vice Chairman of the Committee on Public Utilities and Energy, and was also a member of numerous other legislative committees; and

Whereas, Julian R. Allsbrook was a member of numerous civic and charitable organizations, including the American Legion, the Roanoke Rapids Kiwanis Club, the Masonic Lodge, Widow's Lodge No. 519, and Woodmen of the World; and

Whereas, Julian R. Allsbrook's accomplishments have been recognized by the North Carolina Public Health Association's Distinguished Service Citation

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in 1965, the North Carolina Association of Health, Physical Education, and Recreation's Special Honor Award for Service in 1974, and the Roanoke Rapids Lion's Club Distinguished Service Award in 1974; and

Whereas, Julian R. Allsbrook was a great believer in the Halifax Resolves, and led the effort to commemorate them; and

Whereas, Julian R. Allsbrook died May 15, 1984, leaving his son, Superior Court Judge Richard B. Allsbrook of Roanoke Rapids, and his two daughters, Mary Allsbrook Fisher of Roanoke Rapids and Alice Allsbrook Auchmoody of Richmond, Virginia; and

Whereas, Julian R. Allsbrook was a respected statesman, a true Christian, and an individual highly dedicated to the advancement of his community; and

Whereas, the General Assembly, in warm memory and admiration, wishes to recognize the contributions of Julian R. Allsbrook to the well-being and betterment of Halifax County, Eastern North Carolina, and the entire State; and

Whereas, the General Assembly also wishes to express to his children sincere gratitude and appreciation for his services;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina General Assembly honors the memory of Julian R. Allsbrook and mourns the loss of such an able and devoted public servant.

Sec. 2. The North Carolina General Assembly expresses the deep gratitude and appreciation of this State and its citizens for Julian R. Allsbrook's life and service to North Carolina.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the children of Julian R. Allsbrook.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

S. R. 782

RESOLUTION 65

A JOINT RESOLUTION AUTHORIZING CONSIDERATION OF A BILL RELATING TO THE THEFT OF CABLE TELEVISION SERVICES.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, is authorized to consider a bill to be entitled "AN ACT TO AMEND THE PRESENT LAW RELATING TO THE THEFT OF CABLE TELEVISION SERVICES."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

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S. R. 778

RESOLUTION 66

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL IDENTIFICATION CARDS MAY BE ISSUED TO ANY PERSON TWELVE YEARS OR OLDER BY THE DIVISION OF MOTOR VEHICLES.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL IDENTIFICATION CARDS MAY BE ISSUED TO ANY PERSON TWELVE YEARS OR OLDER BY THE DIVISION OF MOTOR VEHICLES."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1984.

H. R. 1486

RESOLUTION 67

A JOINT RESOLUTION EXPRESSING THE GENERAL ASSEMBLY'S DISAPPROVAL AND REJECTION OF THE UNITARY METHOD OF TAXATION WHEREBY THE WORLDWIDE EARNINGS OF A MULTINATIONAL BUSINESS ENTERPRISE ARE SUBJECTED TO STATE INCOME TAX.

Whereas, in its recent decision in *Container Corporation of America v. Franchise Tax Board*, the United States Supreme Court upheld California's taxation of the worldwide earnings of the Container Corporation of America based on the unitary tax concept; and

Whereas, under this concept, a state may look beyond the corporate structure in determining what constitutes a single or unitary business enterprise and require an enterprise that operates in a foreign country as well as in the state to apportion part of its worldwide earnings to the state in determining its taxable income in that state; and

Whereas, the General Assembly finds that this method of taxation often results in double taxation of the earnings of a multinational business enterprise by requiring the enterprise to pay tax on part of its same earnings to both a foreign country and a state in the United States that applies the unitary tax concept and formula apportionment to this type business enterprise; and

Whereas, the General Assembly finds that utilization of this method of taxation by a state discourages a corporation that does business in a foreign country from locating in that state; and

Whereas, the General Assembly finds that this method of taxation imposes an undue administrative burden on companies that operate in more than one country;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The North Carolina General Assembly expresses its disapproval of the unitary method of taxation that permits a state to impose an income tax on that part of the worldwide earnings of a multinational business enterprise that are apportioned to the state. The General Assembly finds that this method of taxation frequently subjects a multinational business enterprise

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to double taxation and that utilization of this method of taxation by a state discourages corporations that operate in a foreign country from locating in that state. For these reasons, the General Assembly expressly rejects this method of taxation for use in North Carolina.

Sec. 2. The Secretary of State shall send certified copies of this resolution to the members of the North Carolina delegation to the Congress of the United States and to the Chairman of the President's Task Force of the Worldwide Unitary Tax Working Group.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. R. 1495

RESOLUTION 68

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE 1983 GENERAL ASSEMBLY TO CONSIDER A JOINT RESOLUTION REQUESTING THE CONTINUATION AND EXPANSION OF THE STATEWIDE SCREENING SERVICE FOR THE DETECTION OF CERTAIN METABOLIC DISORDERS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, is authorized to consider A JOINT RESOLUTION REQUESTING THE CONTINUATION AND EXPANSION OF THE STATEWIDE SCREENING SERVICE FOR THE DETECTION OF CERTAIN METABOLIC DISORDERS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. R. 1499

RESOLUTION 69

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT REGARDING THE LETTING OF CONTRACTS FOR AIRPORT CONSTRUCTION AND REPAIR.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT REGARDING THE LETTING OF CONTRACTS FOR AIRPORT CONSTRUCTION AND REPAIR."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

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H. R. 1531

RESOLUTION 70

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REGULATE RAFFLES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO REGULATE RAFFLES."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

S. R. 705

RESOLUTION 71

A JOINT RESOLUTION AUTHORIZING CONSIDERATION OF A BILL VALIDATING SANITARY DISTRICT ACTIONS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, is authorized to consider a bill to be entitled "AN ACT TO VALIDATE THE FAILURE TO HOLD A SANITARY DISTRICT ELECTION IN 1983."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

S. R. 809

RESOLUTION 72

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A JOINT RESOLUTION MEMORIALIZING CONGRESS TO ALLOW THE TOBACCO EXCISE TAX TO DROP TO EIGHT CENTS PER PACK AS CURRENTLY SCHEDULED.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A Joint Resolution Memorializing Congress To Allow The Tobacco Excise Tax To Drop To Eight Cents Per Pack As Currently Scheduled".

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

H. R. 1713

RESOLUTION 73

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER THREE ADMINISTRATION BILLS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE PERTAINING TO SEIZURE AND CONFISCATION OF FISH."

Sec. 2. The 1983 General Assembly, Regular Session 1984, may consider "A JOINT RESOLUTION DECLARING LEGISLATIVE APPROVAL OF THE PLAN OF OPERATION FOR THE NORTH CAROLINA FEDERAL

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PROPERTY AGENCY AS PROMULGATED IN ACCORDANCE WITH PUBLIC LAW 94-519.”

Sec. 3. The 1983 General Assembly, Regular Session 1984, may consider “A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.”

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1984.

S. R. 811

RESOLUTION 74

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PERMIT NON-INDIANS TO BECOME TENANTS OF HOUSING PROVIDED BY THE STATE INDIAN HOUSING AUTHORITY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider “A BILL TO BE ENTITLED AN ACT TO PERMIT NON-INDIANS TO BECOME TENANTS OF HOUSING PROVIDED BY THE STATE INDIAN HOUSING AUTHORITY.”

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1984.

S. R. 829

RESOLUTION 75

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CHANGE THE EXPIRATION DATE OF THE LIFE CARE CENTERS CERTIFICATE OF NEED LAW.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider “A BILL TO BE ENTITLED AN ACT TO CHANGE THE EXPIRATION DATE OF THE LIFE CARE CENTERS CERTIFICATE OF NEED LAW.”

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1984.

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S. R. 777

RESOLUTION 76

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ESTABLISH CEMETERY SERVICE DISTRICTS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ESTABLISH CEMETERY SERVICE DISTRICTS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

S. R. 825

RESOLUTION 77

A JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE PRESIDENT IN SUPPORT OF COMPREHENSIVE SOCIAL SECURITY DISABILITY REFORM.

Whereas, changes in federal policy implemented in 1981 have led to the termination of thousands of North Carolinians formerly receiving Social Security disability benefits; and

Whereas, over two-thirds of those who appealed their terminations were found to have been unlawfully denied benefits; and

Whereas, North Carolina has placed a moratorium on terminations by a 1983 Executive Order which remains in place; and

Whereas, much needed comprehensive reform legislation has been introduced and is being considered in both the United States Senate and House of Representatives; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina General Assembly requests that the delegation to the United States Senate and House of Representatives from North Carolina use every available means to assure that meaningful reform legislation is passed to protect the rights of the disabled under both Title II and Title XVI of the Social Security Act.

Sec. 2. The North Carolina General Assembly recommends that such reform legislation include:

(1) A requirement that the Social Security Administration demonstrate a clear improvement in a claimant's medical condition before terminating disability benefits;

(2) The continuation of a terminated claimant's benefits through appeal to the Appeals Council;

(3) Improvements in Continuing Disability Review procedures;

(4) A mandate to consider all available medical evidence in the consideration of both initial claims and terminations; and

(5) A requirement that the Social Security Administration promulgate all disability standards in the form of regulations, subject to public notice and comment.

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Sec. 3. The North Carolina General Assembly urges that the President of the United States take all steps necessary to ensure passage of meaningful reform legislation regarding Title II and Title XVI of the Social Security Act.

Sec. 4. The Secretary of State shall send a certified copy of this resolution to each member of the United States Senate and House of Representatives representing North Carolina, to the Secretary of the United States Senate and Clerk of the United States House of Representatives, and to the President of the United States.

Sec. 5. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. R. 1704

RESOLUTION 78

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE VARIOUS MEDICAL LICENSE AND REGISTRATION FEES COLLECTED BY THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NORTH CAROLINA.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO INCREASE VARIOUS MEDICAL LICENSE AND REGISTRATION FEES COLLECTED BY THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NORTH CAROLINA".

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. R. 1723

RESOLUTION 79

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CODIFY CERTAIN CRIMES AND DEFENSES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO CODIFY CERTAIN CRIMES AND DEFENSES."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

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H. R. 1752

RESOLUTION 80

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN SALESMEN FROM THE LICENSING REQUIREMENT OF THE NORTH CAROLINA TIME SHARE ACT.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN SALESMEN FROM THE LICENSING REQUIREMENT OF THE NORTH CAROLINA TIME SHARE ACT".

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. R. 1753

RESOLUTION 81

A JOINT RESOLUTION REQUESTING THE CONTINUATION AND EXPANSION OF THE STATEWIDE SCREENING SERVICE FOR THE DETECTION OF CERTAIN NEONATAL METABOLIC DISORDERS.

Whereas, inborn errors of metabolism occur in many infants born in North Carolina each year; and

Whereas, when undetected and untreated, these inborn errors may lead to serious physical and mental defects; and

Whereas, the technology is now available to detect several of these inborn errors at birth; and

Whereas, this early detection and treatment can prevent the onset of serious defects and at the same time reduce State expenditures for medical care and long-term institutionalization; and

Whereas, the Division of Health Services' voluntary screening service for the detection of phenylketonuria and hypothyroidism in newborns has resulted in ninety-seven percent (97%) of all newborns being tested for these metabolic disorders; and

Whereas, there remain several serious metabolic disorders for which tests exist but for which there is as yet no statewide screening program; and

Whereas, the metabolic disorder galactosemia, which leads to severe mental retardation and early death, is principal among these;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina strongly encourages the Department of Human Resources, Division of Health Services, to continue its statewide screening service for the detection of phenylketonuria and hypothyroidism in newborns.

Sec. 2. The General Assembly of North Carolina requests that the Department of Human Resources, Division of Health Services, give serious consideration to providing a similar service for the detection of galactosemia.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

Resolutions—1984

S. R. 830

RESOLUTION 82

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 20-309 PERTAINING TO THE REREGISTRATION OF A VEHICLE AFTER REVOCATION OF THE LICENSE PLATE FOR FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 20-309 PERTAINING TO THE REREGISTRATION OF A VEHICLE AFTER REVOCATION OF THE LICENSE PLATE FOR FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1984.

H. R. 1670

RESOLUTION 83

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCLUDE REGISTERED POLITICAL COMMITTEES IN THE LIST OF ORGANIZATIONS ALLOWED TO CONDUCT LICENSED RAFFLES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO INCLUDE REGISTERED POLITICAL COMMITTEES IN THE LIST OF ORGANIZATIONS ALLOWED TO CONDUCT LICENSED RAFFLES."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

H. R. 1717

RESOLUTION 84

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPLICATION OF THE MORATORIUM ON NURSING HOME CERTIFICATES OF NEED.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPLICATION OF THE MORATORIUM ON NURSING HOME CERTIFICATES OF NEED."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

Resolutions—1984

H. R. 1504

RESOLUTION 85

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT REGARDING LIMITATIONS ON STATE FINANCIAL AID TO AIRPORTS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT REGARDING LIMITATIONS ON STATE FINANCIAL AID TO AIRPORTS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

H. R. 1510

RESOLUTION 86

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT REGARDING FEDERAL ASSISTANCE IN THE PURCHASE OF NAVIGATIONAL AIDS FOR NORTH CAROLINA AIRPORTS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT REGARDING FEDERAL ASSISTANCE IN THE PURCHASE OF NAVIGATIONAL AIDS FOR NORTH CAROLINA AIRPORTS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.

S. R. 855

RESOLUTION 87

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF CUMBERLAND TO SELL INDUSTRIAL SITES IN ITS INDUSTRIAL PARK WITHOUT UTILIZING THE FORMAL BID REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A OF THE NORTH CAROLINA GENERAL STATUTES.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF CUMBERLAND TO SELL INDUSTRIAL SITES IN ITS INDUSTRIAL PARK WITHOUT UTILIZING THE FORMAL BID REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A OF THE NORTH CAROLINA GENERAL STATUTES."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

Resolutions—1984

S. R. 884

RESOLUTION 88

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE 1983 GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PERMIT A DISTRICT BOARD OF HEALTH TO BE COMPOSED OF AT LEAST FIFTEEN BUT NO MORE THAN EIGHTEEN MEMBERS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, is authorized to consider "A BILL TO BE ENTITLED AN ACT TO PERMIT A DISTRICT BOARD OF HEALTH TO BE COMPOSED OF AT LEAST FIFTEEN BUT NO MORE THAN EIGHTEEN MEMBERS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. R. 1573

RESOLUTION 89

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAY FOR NONBETTERMENT COSTS OF CERTAIN WATER LINE RELOCATIONS IN THE HIGHWAY RIGHT-OF-WAY.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAY FOR NONBETTERMENT COSTS OF CERTAIN WATER LINE RELOCATIONS IN THE HIGHWAY RIGHT-OF-WAY."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. R. 1574

RESOLUTION 90

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES MORE TIME TO PUBLISH A NOTICE ABOUT CERTAIN MINERAL RIGHTS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES MORE TIME TO PUBLISH A NOTICE ABOUT CERTAIN MINERAL RIGHTS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

Resolutions—1984

H. R. 1663

RESOLUTION 91

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO WEIGHT OF VEHICLES AND LOADS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO WEIGHT OF VEHICLES AND LOADS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. R. 1683

RESOLUTION 92

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PUT NORTH CAROLINA IN COMPLIANCE WITH A FEDERAL COURT DECISION CONCERNING STRAIGHT TICKET VOTING.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO PUT NORTH CAROLINA IN COMPLIANCE WITH A FEDERAL COURT DECISION CONCERNING STRAIGHT TICKET VOTING."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. R. 1694

RESOLUTION 93

A JOINT RESOLUTION AUTHORIZING THE 1984 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REENACT FORMER STATUTORY AUTHORITY FOR PUBLIC SEWERAGE SYSTEMS TO EXERCISE THE POWER OF EMINENT DOMAIN.

Whereas, in the recent revision of North Carolina's statutory provisions concerning eminent domain, by unintentional oversight and inadvertence, the former statutory authority for eminent domain by "Public sewerage systems" was omitted (former G.S. 40-2(10)); and

Whereas, because lack of such authority may concern improvement of quality of life, protection of our environment, and the general public benefit, restoration of the eminent domain authority for public sewerage systems should be considered during the 1984 Regular Session; Now, therefore;

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO REENACT FORMER STATUTORY AUTHORITY FOR PUBLIC SEWERAGE SYSTEMS TO EXERCISE THE POWER OF EMINENT DOMAIN."

Resolutions—1984

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. R. 1737

RESOLUTION 94

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA ADVISORY COUNCIL ON THE EASTERN BAND OF THE CHEROKEE.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA ADVISORY COUNCIL ON THE EASTERN BAND OF THE CHEROKEE."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. R. 1738

RESOLUTION 95

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO IMPROVE THE COLLECTION OF CRIMINAL HISTORY INFORMATION IN NORTH CAROLINA.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO IMPROVE THE COLLECTION OF CRIMINAL HISTORY INFORMATION IN NORTH CAROLINA."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.

H. R. 1776

RESOLUTION 96

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CLARIFY AMENDMENTS TO THE SAFE DRIVER INSURANCE PLAN.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO CLARIFY AMENDMENTS TO THE SAFE DRIVER INSURANCE PLAN."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.

Resolutions—1984

S. R. 787

RESOLUTION 97

A JOINT RESOLUTION MEMORIALIZING CONGRESS TO ALLOW THE TOBACCO EXCISE TAX TO DROP TO EIGHT CENTS PER PACK AS CURRENTLY SCHEDULED.

Whereas, in 1983 total grower cash receipts from tobacco produced in North Carolina was \$1.026 billion; and

Whereas, in 1984 North Carolina has an effective quota of 561 million pounds of flue-cured tobacco, and 25 million pounds of burley tobacco; and

Whereas, 147,000 North Carolinians are employed due to the production of tobacco; and

Whereas, approximately fifty percent (50%) of all U.S. cigarettes are made in North Carolina, with 25,202 employed in tobacco manufacturing in this State, earning wages of five hundred ninety-six million seven hundred thirty-nine thousand eight hundred forty-seven dollars (\$596,739,847); and

Whereas, tobacco accounts for thirty percent (30%) of North Carolina's agricultural economy; and

Whereas, the federal excise tax on cigarettes was increased by one hundred percent (100%) in 1982; and

Whereas, the tax increase is scheduled to expire on September 30, 1985; and

Whereas, the permanent excise tax on cigarettes is eight cents (8c) per pack; and

Whereas, expected federal tax revenues from the permanent cigarette excise tax will exceed \$2.5 billion per annum; and

Whereas, the United States Senate has not approved an extension of the tax increase beyond September 30, 1985; and

Whereas, the United States House of Representatives has approved a reduction in the tax increase from eight cents (8c) and four cents (4c) per pack after September 30, 1985 putting the tax then at 12 cents (12c) per pack; and

Whereas, a House-Senate Conference Committee is currently considering the provisions of HR 4170 as passed by both congressional bodies and is expected to act during the week of June 17, 1984; and

Whereas, an extension of a higher tobacco tax, whether at 16 cents (16c) per pack or 12 cents (12c) per pack will continue to harm North Carolina's economy; and

Whereas, the recent tax increase caused a twenty-five million dollar (\$25,000,000) loss to North Carolina's tobacco growers; and

Whereas, these losses have a ripple effect of two hundred fifty million dollars (\$250,000,000) in the economy of North Carolina;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly memorializes the House-Senate Conference Committee on HR 4170 to adopt the provisions of the Senate passed bill and allow the 1982 cigarette excise tax increase to expire as required by existing law.

Sec. 2. The Secretary of State shall send a certified copy of this resolution to the North Carolina Congressional delegation.

Sec. 3. This resolution is effective upon ratification.

Resolutions—1984

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. R. 1775

RESOLUTION 98

A JOINT RESOLUTION DECLARING LEGISLATIVE APPROVAL OF THE PLAN OF OPERATION FOR THE NORTH CAROLINA FEDERAL PROPERTY AGENCY AS PROMULGATED IN ACCORDANCE WITH PUBLIC LAW 94-519.

Whereas, Section 203(j)(4)(A) of the Federal Property and Administrative Services Act of 1949, as amended by Section 1(1) of Public Law 94-519, states that before federally donated property may be transferred to any State agency, the State agency shall develop, according to State law, a detailed plan of operation which has been developed in accordance with the provisions of the federal statute; and

Whereas, the General Assembly has established in North Carolina General Statute 143-64.2 the North Carolina Federal Property Agency and has delegated to it the authority to administer the State Federal Property Agency; and

Whereas, pursuant to this delegation of authority, the North Carolina Federal Property Agency has promulgated a plan of operation in accordance with G.S. 143-64.2 and Resolution 150A of the General Statutes which has been effective since February 1, 1976; and

Whereas, The General Services Administration has determined that the Congressional intent of P.L. 94-519 was that the plan of operation receive legislative approval;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The plan of operation of the North Carolina Federal Property Agency as codified under 1 N.C.A.C. 5C, Section .0400 and Section .0500 is declared by the General Assembly as North Carolina's permanent plan of operation for the administration of federal surplus property and that the Federal Property Agency is authorized to administer and implement this plan of operation and modify it as necessary to comply with federal law.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

S. R. 730

RESOLUTION 99

A JOINT RESOLUTION URGING THAT WOMEN AND RACIAL MINORITY CITIZENS BE APPOINTED TO STATE BOARDS, COMMISSIONS, AND COUNCILS IN NUMBERS PROPORTIONATE TO THEIR POPULATION IN THE STATE.

Whereas, the population of North Carolina is fifty-one percent (51%) female and twenty-four percent (24%) racial minority according to the 1980 census, but membership on executive branch boards, commissions, and councils is twenty-two percent (22%) female and thirteen percent (13%) racial minority, which indicates that women and minorities are currently under-represented on these boards; and

Resolutions—1984

Whereas, 72 State boards, commissions, and councils have no female members, and 119 have no racial minority members; and

Whereas, the percentages of racial minorities appointed to State boards, commissions and councils have more than doubled since 1977, and the percentage of women so appointed during that same period has increased by more than thirty percent (30%); and

Whereas, it is desirous that this recent trend in appointments be continued and even expanded; and

Whereas, one of the main purposes of boards, commissions, and councils is to obtain input from and encourage participation by citizens who are truly representative of the State's population, thereby ensuring greater protection of the interests of all citizens in State government;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly urges all appointing authorities to appoint qualified women and racial minority citizens to State boards, commissions and councils in numbers at least proportionate to their population in the State, taking into consideration the qualifications of these women and minorities as related to the purposes and functions of the particular boards, commissions, and councils.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

S. R. 886

RESOLUTION 100

A JOINT RESOLUTION PROCLAIMING THE MONTH OF AUGUST, 1984,
AS ADULT LITERACY AWARENESS MONTH.

Whereas, approximately 836,000 North Carolina citizens over the age of 25 have less than an eighth grade education; and

Whereas, the Community College System is only reaching approximately five percent (5%) of those who could benefit from the System's various literacy programs: Adult Basic Education, Adult High School Diploma, Human Resources Development, General Educational Development Testing (GED), and Compensatory Education; and

Whereas, the State Board of Community Colleges and the Department of Community Colleges have made it a priority to direct attention to the problem of adult literacy in this State; and

Whereas, the 58 community colleges, technical colleges, and technical institutes are seeking ways to provide education and training to increase adult literacy in this State; and

Whereas, in August, 1984, the Community College System will be launching a major literacy campaign with an initial goal of reaching and serving an additional twenty-five percent (25%) of the adult nonliterate population in this State; and

Whereas, the Honorable James B. Hunt, Jr., Governor of the State of North Carolina, has proclaimed August, 1984, Adult Literacy Awareness Month;

Resolutions—1984

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section. 1. That the 1983 General Assembly, Regular Session 1984, hereby declare the month of August, 1984, as ADULT LITERACY AWARENESS MONTH.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

S. R. 893

RESOLUTION 101

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A JOINT RESOLUTION DESIGNATING OAK RIDGE MILITARY ACADEMY AS THE MILITARY ACADEMY OF THE STATE OF NORTH CAROLINA AND EMPOWERING THE GOVERNOR TO SIGN ITS DIPLOMAS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A JOINT RESOLUTION DESIGNATING OAK RIDGE MILITARY ACADEMY AS THE MILITARY ACADEMY OF THE STATE OF NORTH CAROLINA AND EMPOWERING THE GOVERNOR TO SIGN ITS DIPLOMAS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.

H. R. 1792

RESOLUTION 102

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A JOINT RESOLUTION HONORING THE MEMORY OF RALPH CAMPBELL, SR.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A JOINT RESOLUTION HONORING THE MEMORY OF RALPH CAMPBELL, SR."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.

S. R. 899

RESOLUTION 103

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CORRECT AN ERROR IN A LOCAL ACT CONCERNING THE TOWN OF LIBERTY.

Be is resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO CORRECT AN ERROR IN A LOCAL ACT CONCERNING THE TOWN OF LIBERTY."

Sec. 2. This resolution is effective upon ratification.

Resolutions—1984

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

S. R. 898

RESOLUTION 104

A JOINT RESOLUTION AUTHORIZING THE 1983 GENERAL ASSEMBLY, 1984 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 954, SESSION LAWS OF 1983.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1983 General Assembly, Regular Session 1984, may consider "A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 954, SESSION LAWS OF 1983."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

H. R. 1801

RESOLUTION 105

A JOINT RESOLUTION HONORING RALPH CAMPBELL, SR.

Whereas, Ralph Campbell, Sr., was born on August 4, 1915, in Lancaster, South Carolina and died on May 15, 1983; and

Whereas, Ralph Campbell, Sr., was well-educated and took advantage of educational opportunities whenever and wherever he could, attending Wilson Junior College in Chicago, the John Marshall School of Law, the Adjutant General's School, and Shaw University, among other institutions; and

Whereas, Ralph Campbell, Sr., made his home in North Carolina, married June Kay of Raleigh, and had four children: a daughter, Mildred, and three sons, Ralph, Jr., Bill, and Eddie; and

Whereas, Ralph Campbell, Sr., was an active church member and served as a senior warden at Saint Ambrose Episcopal Church of Raleigh and as a member of the Board of Directors of the Penick Home-Diocese of North Carolina; and

Whereas, Ralph Campbell, Sr., was an outstanding citizen in the Raleigh community and North Carolina in general; and

Whereas, Ralph Campbell, Sr., was a paragon of dauntless courage, gallant bravery, and compassionate concern, and a persistent advocate of civil and human rights for all regardless of race, ethnic group, creed, economic status, religion or position; and

Whereas, Ralph Campbell, Sr., was a fearless activist leader in the fight to end discrimination, segregation, and injustice wherever and whenever these sinister forces arose; and

Whereas, Ralph Campbell, Sr., was a loyal and active political leader and held many positions in the Democratic party, from Precinct Chair to a member of the State Executive Committee of the Democratic party; and

Whereas, Ralph Campbell, Sr., never sought public office himself, but worked through the political process to promote human and civil rights; and

Whereas, President Jimmy Carter, during his administration, invited Ralph Campbell, Sr., to the White House to discuss human and civil rights; and

Whereas, Governor James B. Hunt, Jr., honored Ralph Campbell, Sr., for his outstanding deeds to his community and his positive impact on the educational and political system of Raleigh; and

Resolutions—1984

Whereas, Lieutenant Governor Jimmy Green recognized the leadership ability and commitment of Ralph Campbell, Sr., and appointed him to the North Carolina Commission on Equal Employment Practices; and

Whereas, Representative Dan Blue paid tribute to Ralph Campbell, Sr., as an individual who devoted his life to the service of mankind; and

Whereas, G. Smedes York, former Mayor of Raleigh paid tribute to Ralph Campbell, Sr., as a dedicated leader who, bound by the pertinent issues of his day and time, advocated equitable solutions to these issues in a brave, reasonable, and honest manner; and

Whereas, Ralph Campbell, Sr., at all times remained committed to basic human rights and was an important voice for their advocacy in our community; and

Whereas, the true measure of a man is not determined by money or station in life, but by what he does with what he has; and

Whereas, Ralph Campbell, Sr., was endowed with many admirable attributes; he was a consistent, predictable, no-nonsense man, direct and to the point; a dependable civic leader by example and deed; and a crusader for the cause of black people while remaining sensitive to the concerns of whites; and

Whereas, Ralph Campbell, Sr., was renowned nationwide as a masterful, grassroots politician who worked valiantly on the front line for political candidates or causes; and

Whereas, Ralph Campbell, Sr., was always on the firing line of an issue without fear for his and his family's security; and

Whereas, Ralph Campbell, Sr., was a loyal and integral part of Congressman Ike Andrews' Fourth Congressional staff when he was stricken with a heart attack that led to his death;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the memory of Ralph Campbell, Sr., and expresses its great appreciation and admiration for his life of service to the people of North Carolina and throughout the nation. The General Assembly extends its deepest sympathy to the family of Ralph Campbell, Sr., and joins with his family and friends in mourning the loss of such a distinguished and valued citizen.

Sec. 2. The Secretary of State shall send a certified copy of this resolution to the family of Ralph Campbell, Sr.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.

Resolutions—1984

S. R. 897

RESOLUTION 106

A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF
THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Senate and the House of Representatives constituting the General Assembly of 1983, do adjourn sine die, on Saturday, July 7, 1984, at 12:00 o'clock Noon.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1984.

STATE OF NORTH CAROLINA
DEPARTMENT OF STATE,
RALEIGH, JULY 9, 1984

I, THAD EURE, Secretary of State of North Carolina, hereby certify that the foregoing volume was printed under the direction of the Legislative Services Commission from ratified acts and resolutions on file in the office of the Secretary of State.

A handwritten signature in black ink, appearing to read "Thad Eure", with a horizontal line drawn underneath the signature.

Secretary of State



APPENDIX

EXECUTIVE ORDERS OF GOVERNOR JAMES B. HUNT, JR.

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State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 99

ASSISTANCE IN CLEMENCY AND EXTRADITION REQUESTS

WHEREAS, the Governor of North Carolina is given the authority to grant clemency under Article III, Section 5 (6) of the Constitution of North Carolina; and

WHEREAS, the Governor of North Carolina is directed to perform various functions under the Uniform Criminal Extradition Act, Article 37 of Chapter 15A of the General Statutes of North Carolina; and

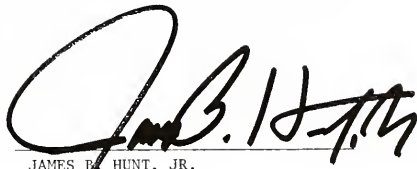
WHEREAS, it is necessary that my staff assist me in fulfilling my duties in clemency and extradition;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby certify that the office of the Legal Counsel to the Governor is the agency directed by me, as Governor, to assist me in carrying out my duties in clemency and extradition under the Constitution and General Statutes of North Carolina.

Section 2. This Order is effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the first day of November, 1983.



JAMES B. HUNT, JR.
GOVERNOR

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 100

ADVISORY COUNCIL TO THE FRIENDSHIP FORCE OF NORTH CAROLINA

WHEREAS, the Friendship Force of North Carolina was created to promote international goodwill and friendship between the people of North Carolina and the world, and

WHEREAS, this citizen exchange fosters a better climate for good business and industrial relations between North Carolina and foreign countries, and

WHEREAS, there is an ongoing need to help develop exchange cities by identifying cultural linkages between North Carolina business and industry and similar interests in foreign countries, and

WHEREAS, assistance to the Friendship Force of North Carolina in strengthening public relations through linkage with civic, business, and other community representatives will complement the North Carolina Friendship Force as it proceeds on its mission, and

WHEREAS, an advisory council of qualified, concerned North Carolinians and others can perform these duties well;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the Friendship Force of North Carolina Advisory Council. The Advisory Council will be composed of seventeen (17)

members, including foreign businessmen and women with active interests in North Carolina; North Carolinians with active business or personal contacts in other countries; individuals interested in international affairs; educational leaders; cultural leaders; and corporate leaders from North Carolina parent companies in other countries. The Governor shall appoint fourteen (14) members and shall designate the Chairman. Seven (7) initial appointees shall serve a term to expire on November 1, 1984; seven (7) initial appointees shall serve a term to expire on November 1, 1985. Thereafter, all terms shall be for two (2) years. The Secretary of Commerce, the First Lady of North Carolina or her designee, and the State Director of the Friendship Force of North Carolina shall serve as ex-officio members. To assure geographic representation of the State, there shall be at least one member from each of the State's four (4) judicial divisions.

Section 2. The Advisory Council shall have the following duties:

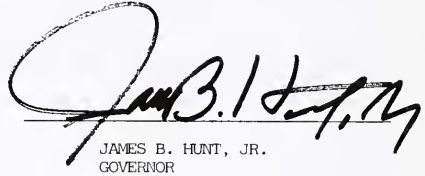
- (1) To provide for fundraising for specific projects jointly agreed upon by the Advisory Council and the Friendship Force of North Carolina.
- (2) To help develop future exchange cities by identifying natural linkages between North Carolina business and industry and similar interests in other countries.
- (3) To assist in improving public relations through linkage with civic, business and other community representatives.
- (4) To provide general support and advice concerning the activities of the Friendship Force of North Carolina.

Section 3. Staff assistance shall be provided by the office of the Friendship Force of North Carolina.

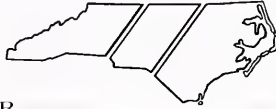
Section 4. This order shall become effective immediately and shall remain in effect for three (3) years unless extended or terminated by legislative act or executive order by the Governor.

Done in the Capital City of Raleigh, North Carolina, this the third day of January, 1984.




JAMES B. HUNT, JR.
GOVERNOR

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 101

STATE AFFIRMATIVE ACTION POLICY

WHEREAS, the State of North Carolina is committed to providing equal employment opportunities to all present and prospective state employees without regard to race, religion, color, national origin, sex, age or handicap; and

WHEREAS, an affirmative action program to assure fair and impartial treatment for all and to make full use of the productive capabilities and resources of all our citizens is in the best interest of the State; and

WHEREAS, executive endorsement of the Affirmative Action program is an impetus for ensuring Equal Employment Opportunity in state government for all citizens; and

WHEREAS, positive and aggressive measures by management are necessary in preventing discrimination in all areas of State Government; and

WHEREAS, citizens of North Carolina should contribute to the affirmative action programs of our State; and

WHEREAS, the State Personnel Commission has established an Affirmative Action Policy and adopted an Affirmative Action Plan and Program for State Government to accomplish these goals; and

WHEREAS, the Governor has approved the State's Affirmative Action Plan Program;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. The Affirmative Action Policy established by the State Personnel Commission and the Affirmative Action plan and program approved by the Governor represents the policy and commitment of this State and must be strictly followed.

Section 2. Each department head under the Governor shall be held accountable for compliance with this Order, and shall:

- A. Submit for approval to the Office of State Personnel an annual Affirmative Action plan designed to conform to this Order. The submission date shall be October 1 of each year.
- B. Provide training on Equal Employment Opportunity/Affirmative Action compliance to all managers, supervisors, and others authorized to make or recommend personnel actions.
- C. Provide for an annual internal evaluation system (WPPR) to hold managers at all levels accountable for the progress or lack of progress of the department's affirmative action program.
- D. Adopt and implement a reduction-in-force mechanism which ensures that the reduction/layoff of employees will not reduce the proportion of protected group members in the current workforce and preserves the gains that have been made in utilizing all segments of North Carolina's population.

Section 3. The Office of State Personnel shall submit semi-annual reports to the Governor on each agency's compliance with the Affirmative Action Policy.

Section 4. The North Carolina Human Relations Council shall advise and assist the Governor and the Office of State Personnel in the implementation of the State Affirmative Action Policy and plan in assuring citizen contributions to the program.

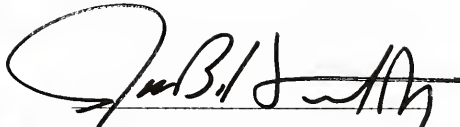
Section 5. The Director of State Personnel with approval of the Personnel Commission shall prepare procedural guidelines for the implementation of the provisions of this Order and promulgate such guidelines in the State Personnel Manual.

Section 6. Nothing in this Order shall be construed to repeal or modify any Federal, State, territorial, or local laws, rules or regulations creating special rights or preferences for veterans.

Section 7. This Order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the thirteenth day of February, 1984.




JAMES B. HUNT, JR.
GOVERNOR

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 102

WHEREAS, recent severe weather throughout North Carolina has left many areas of the state in need of large quantities of emergency supplies, food, and other items; and

WHEREAS, there is a need to facilitate the transportation of emergency supplies, food, and other items to aid in the disaster relief; and

WHEREAS, the Governor, as Chief Executive of the State of North Carolina, is directed by the Constitution of North Carolina and the General Statutes, to take action to protect the health, welfare, lives and property of the people of this State; and

WHEREAS, I have determined that emergency measures must be taken to facilitate the transportation of emergency supplies, food, and other items to aid in the disaster relief.

NOW, THEREFORE, IT IS HEREBY ORDERED:

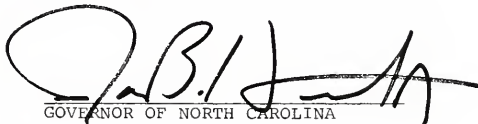
Section 1. Vehicles which are transporting emergency supplies, food and other items to aid in the disaster relief and which are displaying valid license plates shall be permitted to carry the maximum weights as provided in N.C.G.S. 20-118, notwithstanding the load limit prescribed by the license procured for the vehicle. A vehicle shall not be permitted to carry loads in excess of the axle weight limit prescribed for that vehicle, nor shall the vehicle be permitted to carry loads in excess of the appropriately established maximum road limits.

Section 2. The Director of the Division of Motor Vehicles of the Department of Transportation is directed to administer the provision of this Order.

Section 3. This Order is effective immediately and shall remain in effect for a period of 30 days unless rescinded by the Governor. The Governor, in his discretion, may renew this Order for any period as he deems appropriate.

Done in Raleigh, North Carolina, this the 3rd day of April, 1984.




GOVERNOR OF NORTH CAROLINA

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 103

SPECIAL ADVISORY COMMITTEE FOR

IMPROVING MANAGEMENT IN STATE GOVERNMENT

WHEREAS, great strides have been made to improve the quality of management services in state government through training, program development and technological innovations; and

WHEREAS, the business community of the State of North Carolina is recognized for its innovations through programs such as quality circles and through new uses of technology; and

WHEREAS, the public sector has much to learn from the private sector.

NOW, THEREFORE IT IS HEREBY ORDERED:

Section 1. I hereby create the Special Advisory Committee for Improving Management in State Government.

Section 2. The Special Advisory Committee shall be composed of not more than 15 persons to be appointed by the Governor, and who shall serve at the pleasure of the Governor. The persons so named shall represent corporations or businesses in North Carolina that are known for their commitment to excellence in management.

Section 3. The duties of the Advisory Committee are as follows:

- (1) To provide guidance to the Department of Administration.
- (2) To report to the Governor and the Governor's Commission

on Governmental Productivity on the results of their work.

- (3) To consult with other business leaders in North Carolina to determine methods that can be used to improve management in State Government.

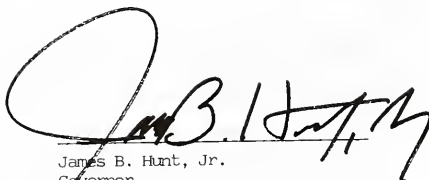
Section 4. The Department of Administration shall provide staff support services to the Committee.

Section 5. The Members of the Commission shall serve without compensation but shall receive such necessary travel and subsistence expenses as are authorized for Commission members generally by N.C.G.S. 138-5. Funds for these expenses shall be provided by the Department of Administration.

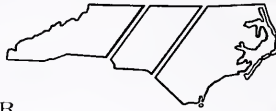
Section 6. This order shall be effective immediately, and shall expire on December 31, 1984.

Done in the Capital City of Raleigh, this the ninth day of April, 1984.




James B. Hunt, Jr.
Governor

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 104
GOVERNOR'S TASK FORCE ON
ALCOHOL AND DRUG ABUSE
AMONG YOUTH AND TEENAGERS

WHEREAS, the problem of alcohol and drug use and abuse among our youth throughout the State represents a matter of major concern to our citizenry; and,

WHEREAS, the use and abuse of alcohol and drugs among our youth contributes heavily to the crime rate, school problems and disruption in our homes and communities; and,

WHEREAS, the State of North Carolina must consider major strategies to bring about a decrease in the use and abuse of substances among our youth;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby establish the Governor's Task Force on Alcohol and Drug Abuse Among Youth and Teenagers. The Task Force shall be composed of at least fifteen members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate one of the members as Chairman. The members will represent parents, schools, youth, local government, the medical community and the General Assembly. To provide for

geographic representation, there will be at least one member from each of the State's four judicial divisions. Members shall serve as volunteers and will receive no compensation or reimbursement for travel and subsistence expenses. The Department of Human Resources shall provide staff and support services, as directed by the Secretary of Human Resources.

Section 2. The Task Force shall meet regularly at the call of the Chairman, and may hold special meetings at any time at the call of the Chairman, the Governor, or the Secretary of the Department of Human Resources. The Task Force is authorized to conduct public hearings.

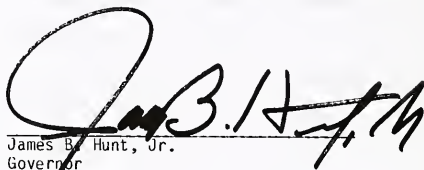
Section 3. The Task Force shall have the following duties:

- (A) Conduct or receive surveys that identify local alcohol and drug problems among youth;
- (B) Review the General Statutes of North Carolina applicable to substance abuse, including criminal and service delivery legislation;
- (C) Review activities in other states addressed to reducing substance abuse among youth;
- (D) Identify State and local resources to address identified problems;
- (E) Establish and implement mechanisms for coordination of local efforts and resources;
- (F) Develop and implement plans to meet needs of local youth;
- (G) Develop and implement models for evaluation of local efforts; and
- (H) Other such duties as assigned by the Governor or the Secretary of Human Resources.

Section 4. The Task Force shall present a report to the Governor no later than September 31, 1985.

Section 5. This Order is effective immediately and shall remain in effect until September 31, 1985. The Task Force may be continued beyond September 31, 1985, by further Order of the Governor.

Done in the Capitol City of Raleigh, this the tenth day of April, 1984.


James B. Hunt, Jr.
Governor



State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 105

LEAD AGENCY FOR STATE ENVIRONMENTAL POLICY

WHEREAS, the North Carolina General Assembly enacted the North Carolina Environmental Policy Act of 1971, G.S. 113A-1 et. seq., which sets forth a declaration of State Environmental Policy; and

WHEREAS, G.S. 113A-4(2) requires State agencies to prepare environmental impact statements for certain proposals and actions; and

WHEREAS, G.S. 113A-5 requires the Governor to review environmental impact statements under certain circumstances; and

WHEREAS, G.S. 113A-10 states that compliance with certain requirements of federal law will meet the requirements of the North Carolina Environmental Policy Act; and

WHEREAS, there is a need to establish uniform policies and procedures to be followed in order to assure, by State agencies, orderly compliance with the North Carolina Environmental Policy Act.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby direct the Department of Administration to be the lead agency for the North Carolina Environmental Policy Act. The Secretary of the Department of Administration shall establish, with the concurrence of the Secretary of the Department of Natural Resources and

Community Development, procedures for state agency compliance with the North Carolina Environmental Policy Act.

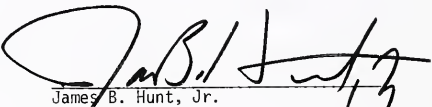
Section 2. I hereby direct all Department Heads to comply with the policies and procedures established by the Department of Administration.

Section 3. All Department Heads are directed to examine their rules and regulations concerning state actions, including but not limited to permitting, construction, awarding of funds, and other procedures that may directly or indirectly affect the environment, to determine if those rules and regulations need to be amended to reflect the revised procedures.

Section 4. This order shall be effective immediately.

Done in the Capital City of Raleigh, this the 7th
day of May, 1984.




James B. Hunt, Jr.
Governor

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 106
WOMEN'S ECONOMIC DEVELOPMENT
ADVISORY COUNCIL

WHEREAS, women are an important, although often undervalued and underemployed, component of the economy of North Carolina; and

WHEREAS, women possess tremendous potential for furthering the overall development of our economy; and

WHEREAS, the State of North Carolina has an appropriate leadership role in promoting improved opportunities for women to advance, succeed, and excel in the private sector; and

WHEREAS, this role can be enhanced by strong private sector involvement, advice, and leadership.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the North Carolina Women's Economic Development Advisory Council. This Council will be composed of at least twelve (12) members who have distinguished themselves by their accomplishments in the private sector. The membership of this Council will, to the extent practical, contain representatives from all major geographic areas of the State. The members of this Council will be appointed by the Governor and will serve at the pleasure of the Governor.

Section 2. The Governor shall designate a Chairperson from the membership of the Council. The Council will meet at the call of the Chairperson. In order to carry out the duties of the Council, the Chairperson is authorized to create committees of the Council. The Chairperson may appoint to committee positions persons who are not members of the Council.

Section 3. The Women's Economic Development Advisory Council will have the duty to thoroughly explore opportunities for women in our economy; carefully evaluate those opportunities; and advise the Secretary of Commerce of strategic courses of action, consistent with the State's economic development philosophy, which will best promote and encourage the equitable advancement and integration of women into all aspects of North Carolina's economy.

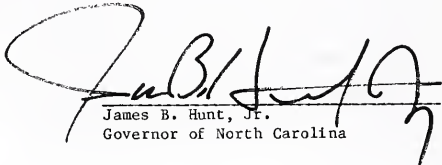
Section 4. The Department of Commerce shall provide the administrative support for this Council.

Section 5. Members of the Women's Economic Development Advisory Council and members of the committees appointed by the Chairperson shall be entitled to reimbursement for subsistence and travel expenses as may be generally authorized for members of State Boards and Commissions.

Section 6. This Executive Order is effective immediately and shall remain in effect until December 31, 1984, or unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this the tenth day of May, 1984.




James B. Hunt, Jr.
Governor of North Carolina

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 107

TASK FORCE ON MISSING CHILDREN

WHEREAS, there is a need to address the plight of missing children and their parents through a concerted statewide effort; and

WHEREAS, national figures estimate 5,000 children are abducted by strangers, 150,000 are abducted by parents in custody disputes, and over a million run away from home each year; and

WHEREAS, there is a Missing Children Act passed by Congress and signed by the President, and there now exists a national clearinghouse for information on missing children available to law enforcement; and

WHEREAS, there is a need for the State of North Carolina to take affirmative steps toward setting forth a statewide policy and central coordinating function on kidnapping and safety awareness program for children and parents.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the Task Force on Missing Children.

Section 2. The Task Force shall be composed of at least twenty members appointed by the Governor. These members shall be representatives of law

enforcement, business, media, interested citizens (including parents of missing children), local groups involved with missing children, and members of the Governor's Advocacy Council on Children and Youth. The Governor shall designate one of the members to serve as Chair and one as Vice-Chair.

Section 3. The Task Force shall meet at the call of the Chair or the Governor. The duties of the Task Force will be to develop a policy on missing children and to recommend to the Governor how that policy should be carried out in the State. The Task Force will also be charged with the responsibility of promoting public awareness and the prevention of missing children by calling upon existing child advocacy agencies, the public and private sector, volunteer and other State agencies to join in our efforts to safeguard the State's children. The Task Force will also initiate prevention programs aimed at involving schools, day care centers, law enforcement agencies, child advocacy organizations, and other public and private organizations to develop a public information program for educating the general public.

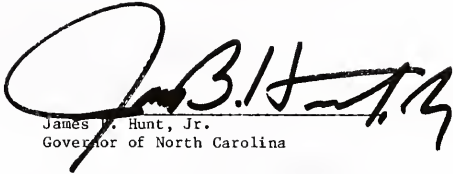
Section 4. Members of the commission shall be reimbursed for such necessary travel and subsistence expenses as are authorized by N.C.G.S. 138-5. Funds for reimbursement of such expenses shall be made available from the Department of Administration.

Section 5. The Department of Administration, through the Governor's Advocacy Council for Children and Youth, and the Department of Crime Control and Public Safety shall provide staff support to the Task Force.

Section 6. The Task Force shall make its recommendations and complete its work on or before October 1, 1984.

Section 7. This order shall be effective immediately and shall terminate on October 1, 1984.

Done in the Capital City of Raleigh, North Carolina, this the 14th day of May, 1984.


James W. Hunt, Jr.
Governor of North Carolina



State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 108

AMENDING JUDICIAL NOMINATING COMMITTEE
FOR SUPERIOR COURT JUDGES

WHEREAS, the Judicial Nominating Committee for Superior Court Judges has been operating under the provisions of Executive Order 79 since April 14, 1982; and,

WHEREAS, I now desire to make a change in one of the operating provisions of that Order;


NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I now amend Executive Order 79 by adding the following sentence at the end of Section 3(c): "If an emergency arises which causes a panel to fail to have enough voting members present to make nominations, the Chairman, or the Chairman Pro Tempore, or both, may vote as if full voting members during the period of such emergency, as determined by either the Chairman or the Chairman Pro Tempore."

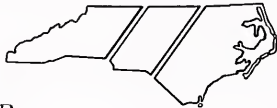
Section 2. This Order shall become effective immediately.

Done in Raleigh, North Carolina, this the twenty-eighth day of June, 1984.




James B. Hunt, Jr.
Governor of North Carolina

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 109

BOARD OF TRUSTEES OF THE NORTH CAROLINA

DEFERRED COMPENSATION PLAN

WHEREAS, Chapter 433 of the Session Laws of 1971 authorized Deferred Compensation Benefits for State employees; and

WHEREAS, Governor James E. Holshouser, Jr., created the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan by Executive Order XII, signed on November 12, 1974; and

WHEREAS, Chapter 559 of the 1983 Session Laws made certain amendments to the North Carolina Public Employee Deferred Compensation Plan; and

WHEREAS, there is a need to update the provisions of the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan in accordance with changes made by Chapter 559 of the 1983 Session Laws;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. The Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan created by Executive Order XII, November 12, 1974, is hereby terminated.

Section 2. I hereby establish a new Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan, which shall assume all authority, responsibilities and functions of the previous Board.

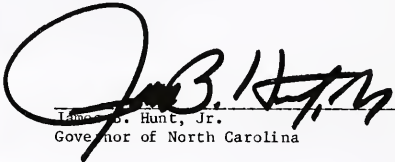
Section 3. The membership of the Board and its duties shall be as provided in N.C.G.S. 143B-426.31. Those members who were serving on the previous Board are hereby appointed to the new Board and shall serve terms consistent with the provisions of N.C.G.S. 143B-426.31.

Section 4. The Department of Administration shall provide clerical and support services for the Board of Trustees.

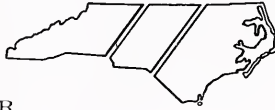
Section 5. This Order shall be effective immediately.

Done in Raleigh, North Carolina, this the thirty-first day of July, 1984.




James B. Hunt, Jr.
Governor of North Carolina

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 110

SAMPSON COUNTY BOND ISSUE

WHEREAS, Section 103(n) of the Internal Revenue Code of 1954, as amended (the "Code"), requires that revenue bonds issued by North Carolina Industrial Facilities and Pollution Control Financing Authorities under Chapter 159C of the North Carolina General Statutes (the "Act") be issued in amounts which comply with the appropriate authority's and county's "private activity bond limit;" and

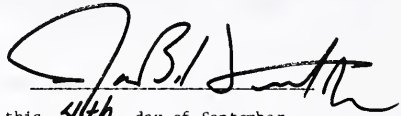
WHEREAS, such section sets forth one formula for allocation of the entire private activity bond limit for a single state (the "state ceiling") and then authorizes the Governor of a state to proclaim a different formula for allocating such state ceiling; and

WHEREAS, the Office of the Governor of North Carolina is in the process of developing an appropriate formula and consulting thereon with representatives of local governments in the state and it is anticipated that such formula will be promulgated no later than October 15, 1984; and

WHEREAS, the H. H. Robertson Company has agreed to purchase the Libby-Owens Ford Plant in Clinton, North Carolina saving 306 jobs and creating 59 more jobs; and

Certificate of No Consideration for Allocation

The undersigned Governor of the State of North Carolina does hereby certify, under penalty of perjury, in accordance with Section 103(n)(12) of the Internal Revenue Code of 1954, as amended, that the allocation, pursuant to a Executive Order dated September 4th, 1984, of a portion of the North Carolina State Ceiling to Sampson County and The Sampson County Industrial Facilities and Pollution Control Financing Authority (the Authority) for issuance of its Variable Rate Industrial Revenue bonds (H. H. Robertson Company), Series 1984, in the amount of \$8,000,000 was not made in consideration of any bribe, gift, gratuity given or offered to, or accepted, required, authorized, ratified or approved by, him.



Subscribed and sworn before me this 4th day of September, 1984. In testimony whereof, I have hereunto set my hand the day, month and year aforesaid.

My commission expires: 11/16/88

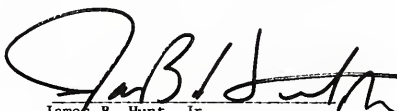
Adrianne D. Hurst
Notary Public

WHEREAS, the inducement for the H. H. Robertson Company in Sampson County is subject to the restrictions of Section 103(n).

NOW, THEREFORE, I, James B. Hunt, Jr., Governor of the State of North Carolina, pursuant to the authority vested in me by Section 103(n) (6) (B) of the Code, proclaim that the Sampson Company Industrial Facilities and Pollution Control Financing Authority has a private activity bond limit in an amount equal to the aggregate principal amount of \$8,000,000 for 1984 for the H. H. Robertson Company. In no event shall the private activity bond limit for Sampson County be reduced below \$8,000,000.

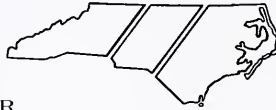
This interim measure is effective as of the date hereof.

Dated this 4th day of September, 1984.


James B. Hunt, Jr.
Governor of North Carolina



State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 111

PLANNING COMMITTEE FOR THE CENTER FOR THE ADVANCEMENT OF TEACHING

WHEREAS, the Commission on Education for Economic Growth recommended that North Carolina provide selected outstanding teachers with both long-term and short-term in-residence learning and study opportunities; and

WHEREAS, there is a need to provide teachers with opportunities to pursue intensive, advanced courses of study in an intellectually stimulating environment; and

WHEREAS, a Center for the Advancement of Teaching has been funded by the Appalachian Regional Commission to provide the type of advanced educational opportunity excellent teachers need and deserve; and

WHEREAS, the Appalachian Regional Commission grant agreement requires the Governor to appoint a planning committee of 15 to 20 members to plan the development of the Center;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. In accordance with Appalachian Regional Commission Contract Number 84-113-NC-9178-84-YI-302-0820, I hereby establish a Planning Committee

for the Center for the Advancement of Teaching. The Committee shall be composed of not more than twenty (20) members appointed by the Governor to serve at the pleasure of the Governor. Members shall be drawn from the business, education and government communities. The Governor shall designate one of the members as Chairman.

Section 2. The Committee shall meet regularly at the call of the Chairman and may hold special meetings at any time at the call of the Chairman or the Governor.

Section 3. Members of the Committee shall be reimbursed for such necessary travel and subsistence expenses from funds awarded to the Governor's Office in ARC Contract Number 84-113-NC-9178-84-YI-302-0820. Reimbursement shall be at the rates authorized for members of State Boards and Commissions generally.

Section 4. Staff and support services for the Committee will be provided in part by the grant from the Appalachian Regional Commission, by the Office of the Governor, and from the University of North Carolina.

Section 5. The Committee shall have the following duties:

- (a) Develop a structure for the Center, its curriculum and operations.
- (b) Seek out consultants in appropriate fields and secure their services.
- (c) Travel to sites to examine other programs which could be incorporated into the design of the Center.
- (d) Solicit public input into the planning process for the Center.
- (e) Work closely with the Governor's Business Committee on Education and with the Governor's Council on Management and Development to initiate contacts with interested business and private sector individuals to ensure their input.

(f) Direct the preparation of the plan for the Center and deliver a preliminary design to the Governor, the General Assembly, the State Board of Education and the UNC Board of Governors by February 1, 1985.

(g) Direct the start-up and operations phase of the Center.

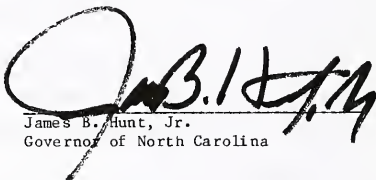
Section 6. The Committee shall present its final report by September 1, 1985.

Section 7. The Committee shall terminate on December 31, 1985, unless extended by further Order of the Governor.

Section 8. This Order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the Fifteenth Day of October, 1984.




James B. Hunt, Jr.
Governor of North Carolina

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 112

NORTH CAROLINA MISSING CHILDREN'S INFORMATION CENTER

WHEREAS, the Governor's Task Force on Missing Children has conducted public hearings throughout the state and has developed a policy on missing children and has recommended to the Governor how that policy should be carried out; and

WHEREAS, the Task Force has: (1) defined the term, missing children; (2) evaluated the adequacy of existing laws relating to missing children; (3) reviewed collections and analysis of data on missing children; (4) reviewed public and private responses to reports of missing children; and (5) identified and developed effective prevention and education programs on missing children; and

WHEREAS, the Task Force has found that more than one-fourth of the state's population is under eighteen years of age. To protect our state's children, the Task Force recommended that:

(1) Parents and caretakers report the disappearance of a child to local law enforcement as soon as it is learned a child is missing.

(2) Law enforcement agencies make immediate responses to reports of missing children.

(3) The Police Information Network be provided resources immediately which allow it to expand the standard reporting form to obtain necessary information on missing children.

(4) The Governor immediately establish, by Executive Order and within an existing agency, the North Carolina Missing Children's Information Center.

(5) The General Assembly establish by statute the North Carolina Missing Children's Information Center and provide appropriations for its operation.

(6) Safety house programs be established in every county.

(7) The General Assembly amend Chapter 15B of the General Statutes to make clear that children who are innocent victims of criminal acts may claim compensation from the North Carolina Crime Victims Compensation Commission.

(8) Every North Carolina child be offered the opportunity to have fingerprints for safekeeping by the parents.

(9) Call-back programs be established in every North Carolina school.

(10) The North Carolina Justice Academy develop and present appropriate training for law enforcement on the problems of missing children.

(11) Local task forces be established to foster cooperation and improve local services for missing children.

(12) Missing Child Teams of police and social workers be established in local areas; and

WHEREAS, the Task Force on Missing Children has recommended that the North Carolina General Assembly create a Legislative Study Commission to consider legislation which will help prevent missing children; and

WHEREAS, the Governor's Advocacy Council on Children and Youth has recommended that the North Carolina General Assembly consider legislation which will help prevent exploitation of children.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. Parents and caretakers are urged to immediately report missing children to local law enforcement. All law enforcement agencies are urged to make immediate responses and timely reports to the Police Information Network.

Section 2. The Police Information Network is urged to establish immediately within its system a method for collecting data from law enforcement agencies on missing children in North Carolina and to make appropriate and timely distribution of each missing child report. The State Budget Office is authorized to approve transfers of funds if necessary for the establishment of this system.

Section 3. The law enforcement manual prepared by the Task Force, with assistance from Sheriffs and Chiefs of Police, will be printed and distributed immediately to encourage appropriate responses and coordination of resources and uniformity of reports. Law enforcement training programs are urged to use the manual in officer training.

Section 4. The Secretary of the Department of Crime Control and Public Safety is directed to establish within the Department of Crime Control and Public Safety the North Carolina Missing Children's Information Center, with these duties and functions:

(a) Assist law enforcement in the response to reports of missing children and to work with other state agencies to make state resources available; to gather and distribute information and data on missing children; to continue research and study; to serve as a statewide resource center and assist local communities in programs and initiatives for child protection and prevention of child molestation; to continue public awareness of the problems of missing children and coordinate with the functions of the National Missing Children's Center.

(b) Assist the Police Information Network to maintain and publish a directory of currently missing children. The information on the missing children should be issued to appropriate law enforcement agencies throughout the state and to the North Carolina Missing Children's Information Center and should be entered into the National Crime Information Center. The information should include information on children who have been found.

(c) Maintain and publish a directory of existing public and private agencies, groups, and individuals which provide effective assistance to families in the areas of prevention of child abduction, location of missing children, and follow-up services to the child and family.

(d) The Center should annually compile and publish reports on the actual numbers of children missing each year, listing the categories and causes for the disappearances.

(e) The Center should provide follow-up referrals for services to missing children and their families.

(f) The Center should be provided with a toll-free 1-800 telephone system which will be in service at all times.

Section 5. The Secretary of the Department of Crime Control and Public Safety is directed to assign staff immediately for the operation of the Center within the Crime Prevention Division of that Department.

Section 6. There is hereby constituted an Advisory Board to advise the Secretary of Crime Control and Public Safety on the operation of the North Carolina Missing Children's Information Center. The Board shall be composed of not more than 20 members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall appoint a chairman. The initial members of the Board shall be those persons who served on the Governor's Task Force on Missing Children. The Board shall be in existence for three years unless modified by legislation or further executive order. While on official duties, the members of the Commission shall be reimbursed for such necessary travel and subsistence expenses as are authorized by N.C.G.S. 138-5. Funds will be made available by the Department of Crime Control and Public Safety.

Section 7. The Governor's Crime Commission is directed to analyze and research the legislative issues presented by the report of the Governor's Task Force on Missing Children and make recommendations to the 1985 Session of the

General Assembly. The issues to be researched include:

(a) Legislation to enact a Child Sexual Abuse and Exploitation Prevention Act to provide for educating children about the dangers of sexual abuse and the lures of exploitation, encouraging parents and school administrators to teach children about body safety rules and techniques, and establishing a Child Victim's Trust Fund to finance local prevention programs.

(b) Legislation to encourage youth servicing agencies to be more aggressive in advocacy for youth and make clear that youth serving agencies have the right to request criminal records checks on all persons who apply for employment or volunteer for positions in which they would have supervisory or disciplinary authority over children.

(c) Legislation to establish certain sexual offenses as offenses where probation cannot be granted and the execution or imposition of sentence cannot be suspended.

(d) Legislation to permit the pretrial videotaped testimony of children age twelve and under to be used as evidence in sexual abuse cases.

(e) Legislation to strengthen the laws on custodial interference, including authorizing magistrates to issue some orders in custody disputes.

(f) Legislation to make it a Class D felony for a person who knowingly induces, assists, or causes a minor to engage in illegal sexual activity.

(g) Legislation to amend G.S. 110.90-1 and G.S. 110-91(8) which require that no person be allowed to work in a licensed daycare center until that person has obtained a Daycare Employee Permit.

Section 8. The Governor's Crime Commission is directed to analyze and research the legislative issues presented by the report of the Governor's Advocacy Council on Children and Youth and make recommendations to the 1985 Session of the General Assembly. The issues to be researched include:

(a) Legislation to make the possession, manufacture, delivery, or dissemi-

nation of child pornography a felony.

(b) Amending the Child Protection Act of 1983 to make those convicted under its provisions guilty of a Class H felony.

(c) Legislation which raises the penalties and fines for crimes against children, including child abuse and exploitation, and which establishes a fund from fines collected to be used for the care and treatment of victims and offenders.

(d) Legislation to make engaging in sexual activity with a child under sixteen and encouraging child prostitution Class D felonies.

(e) Legislation which raises the age of children protected by the law from pornography and prostitution from "under 16" to "under 18."

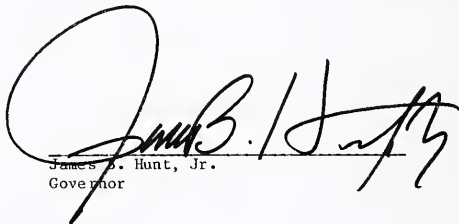
(f) Legislation which amends the existing Juvenile Code to include sexual exploitation of juveniles and apply the protections of the Juvenile Code to children.

(g) Legislation which improves data collection on child victims of exploitation so that the true scope of the problem will be known and corrective policies can be adopted.

Section 9. This order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the twenty-fifth day of October, 1984.




James B. Hunt, Jr.
Governor

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 113

INDUSTRIAL DEVELOPMENT BONDS

WHEREAS, it has long been my goal to attract new industry to North Carolina in an effort to provide more and better paying jobs for our citizens; and

WHEREAS, the General Assembly of the State of North Carolina also expressed support for developing new industries in the State by enacting the Industrial and Pollution Control Facilities Financing Act which allows counties to aid in the financing of industrial and manufacturing facilities by issuing industrial development bonds; and

WHEREAS, both the North Carolina Executive and Legislative branches have supported efforts to revitalize our cities through urban redevelopment initiatives and by authorizing cities and redevelopment commissions to engage in programs under the urban redevelopment law; and

WHEREAS, the Congress of the United States has enacted the Deficit Reduction Act of 1984 (the "Tax Act") which, among other things, imposes, a limitation on the amount of "private activity bonds" which may be issued in the State; and

WHEREAS, many North Carolina political subdivisions and municipalities will have trouble in attracting new industry and revitalizing urban redevelopment areas because according to the formula proposed in the Tax Act they do not have a sufficient population base to support

the issuance of private activity bonds in the amount necessary to continue healthy industrial and manufacturing development and urban redevelopment; and

WHEREAS, Section 103 (n)(6)(B) of the Tax Act gives me the authority to "proclaim a different formula for allocating the State ceiling among the governmental units in such State having authority to issue private activity bonds":

NOW, THEREFORE IT IS HEREBY ORDERED:

Section 1. DEFINITIONS

For the purposes of this order, terms will be defined as follows:

"Code" shall mean the Internal Revenue Code of 1954, as amended.

"Issuer" shall mean the entity authorized to issue Private Activity Bonds, except that in the case of Private Activity Bonds issued pursuant to Article 22 of Chapter 160A of the General Statutes of North Carolina, or issued solely pursuant to regulations, rules, procedures or rulings of the Internal Revenue Service of the United States, "Issuer" shall mean the municipal corporation which created the issuing commission or the municipal corporation which approves the issuance of the bonds pursuant to such regulations, rules, procedures or rulings.

"Private Activity Bonds" shall have the meaning set forth in Section 103(n)(7) of the Code and any successor provision.

"Secretary" shall mean the Secretary of the Department of Commerce of the State of North Carolina, or any individual to which the Secretary delegates authority under NCAC

"Volume Limitation" shall mean \$150 multiplied by the State's population as determined by the latest published census.

Section 2: APPLICATIONS

Before January 1, 1985 the issuer shall file an application for such allocation not fewer than 30 days prior to the issuance of such Private Activity Bonds. After January 1, 1985 the Issuer shall file an application for such allocation not fewer than 60 days prior to the date of issuance of such Private Activity Bonds.

The application shall set forth the name of the Issuer, the State statute or Federal regulations, rules, procedures or rulings under

when the Private Activity Bonds will be issued, the aggregate principal amount of Private Activity Bonds to be issued, the beneficiary or beneficiaries of the proceeds of the Private Activity Bonds and such other information as the Secretary may reasonably request.

Section 3: FORMULA

The private activity limit for all issues in North Carolina shall be considered as one resource to be allocated under this Executive Order. The Secretary shall allocate the Volume Limitation on a first come first serve basis. When the total of all allocations equals or exceeds 75% of the Volume Limitation, subsequent allocations for Private Activity Bonds may be made only upon the receipt of an application described in Section 2 and the written approval by the Secretary and the Treasurer of the State. The Secretary and the Treasurer of the State, in making an allocation pursuant to this Section, shall take into consideration the best interests of the State with regard to economic development and the general prosperity of the people of North Carolina.

Section 4: TERMINATION DATES

The allocation for an issue of Private Activity Bonds received by an Issuer on or after September 1 of any calendar year shall remain in effect through December 31 of such calendar year. An allocation received by an Issuer prior to September 1 of any calendar year shall remain in effect through November 20 of such calendar year unless the Issuer shall give notice specifying a later closing date. If the Secretary has not received notice of a specific closing date by October 15 of the same calendar year, the Secretary may terminate the allocation. The Issuer may subsequently file a new application in accordance with this Executive Order.

Section 5: ALLOCATION FOUND VOID

If the principal amount of Private Activity Bonds set forth in the allocation document exceeds the active aggregate principal amount of the issue by more than 25%, such allocation shall be automatically void without further action by the Secretary. The Issuer may subsequently file a new application in accordance with this Executive Order.

Section 6: DISTRIBUTION OF UNALLOCATED VOLUME LIMITATION

At the end of the calendar year, if the Secretary, or Secretary and Treasurer have not allocated the full amount of the Volume Limitation, the remainder of the Volume Limitation may be allocated to projects designated as carry-forward projects pursuant to Section 103(n) (10) of the Code, including certain exempt facilities provided for Section 103(b) (4) and (5) of the Code and student loan bonds. If the remainder of the Volume Limitation is not sufficient to cover all such projects, each issue of Private Activity Bonds shall receive a share of the excess Volume Limitation proportionate to the principal amount of Private Activity Bonds set forth in the application or as otherwise agreed to by the Secretary and the State Treasurer.


Section 7: NOTICE

Each Issuer shall notify the Secretary of the issuance of any Private Activity Bonds within 10 days after such issuance if that issuance required an allocation under this order. If any Issuer fails to notify the Secretary, the Secretary shall not accept subsequent applications from that Issuer until such Issuer is current in all its notifications.

Section 8: EFFECTIVE DATE

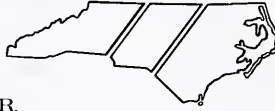
This Executive Order shall become effective immediately and shall remain in effect unless and until superseded as provided in Section 103(n) (6) of the Code.

Done in the Capital City of Raleigh, this the thirtieth Day of October, 1984.


James B. Hunt, Jr.
Governor



State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 114

STATE COMMISSION ON CHILD SUPPORT

WHEREAS, the Child Support Enforcement Amendments of 1984, P.L. 98-378, require the establishment of a State Commission on Child Support in order for North Carolina to continue to receive federal funding for Aid to Families with Dependent Children and child support enforcement programs; and

WHEREAS, the establishment of a commission would also play an important role in helping assure that North Carolina is successfully securing support and parental involvement for all children.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. I hereby create the State Commission on Child Support. The Commission shall be composed of an adequate number of members appointed by the Governor which shall represent all aspects of the child support system, including custodial and non-custodial parents, the agency administering the State's child support plan, the judiciary, the executive and legislative branches of State Government, child welfare agencies, social services agencies, and others interested in child support. All members shall serve at the pleasure of the Governor. The Governor shall designate one of the members to serve as chairman.

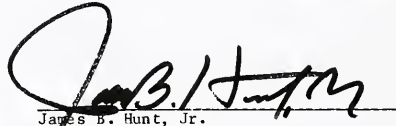
2. It shall be the function of the State Commission to examine, investigate, and study the operation of the State's child support system for the primary purpose of determining the extent to which each system has been successful in securing support and parental involvement for children eligible for aid under the State's child support plan, and for children who are not eligible for such aid, giving particular attention to such problems as visitation, the establishment of appropriate objective standards for support, the enforcement of interstate obligations, the availability, cost, and effectiveness both to children who are eligible for such aid and to children who are not, and the need for additional State or Federal legislation to obtain support for all children. The State Commission shall submit to the Governor and make available to the public, no later than October 1, 1985, a full and complete report of its findings and recommendations resulting from the examination, investigation, and study of these issues. The Governor shall transmit the report to the Secretary of Health and Human Services, along with the Governor's comments.

3. The Department of Human Resources shall provide clerical, administrative, and support services to the Commission. Members of the Commission shall be entitled to reimbursement for travel and subsistence as is provided for board and commission members generally, if the Secretary of Human Resources determines that funds are available for this purpose. The approval of the availability of such funds must be secured from the State Budget Office.

4. This Order shall be effective immediately, and shall terminate three years from this date, unless amended by further Executive Order or State or Federal legislation.

Done in the Capital City of Raleigh, this the Thirtieth Day of November, 1984.




James B. Hunt, Jr.
Governor of North Carolina

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NUMERICAL INDEX TO SENATE AND HOUSE BILLS 1983 GENERAL ASSEMBLY REGULAR SESSION 1984

Ratified Number refers to the Session Law Chapter number
except when preceded
by an R, in which case it refers to the Resolution number.

SENATE BILLS

Ratified

<i>S.B.</i>	<i>Ratified Number</i>	<i>S.B.</i>	<i>Ratified Number</i>	<i>S.B.</i>	<i>Ratified Number</i>
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21	1072	739	997	811	R74
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430	1098	741	999	817	1020
436	1073	742	1000	825	R77
470	992	744	1001	829	R75
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543	970	756	946	842	1091
555	1074	757	947	845	1088
634	1108	759	1017	847	1046
702	R64	760	1015	848	1021
704	930	762	948	855	R87
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474	1039	1517	995	1588	1009
541	969	1518	1053	1590	983
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650	1025	1523	937	1594	1010
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666	1105	1525	991	1596	1011
687	1041	1526	1026	1597	1057
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